

TRANSGENDER SPIRITUAL FORMATION

BY

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A DEMONSTRATION PROJECT

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Abstract

Individuals that identify as transgender experience discrimination and oppression in many areas of their life, including within the religious community. As a result of the neglect and misinterpretation of several biblical themes and their supporting passages, assumptions that contribute to homophobia in some churches today have created barriers to transgender spiritual formation. Sometimes doctrine and tradition are presented as in conflict even though they are essential components of a community practicing a living tradition that seeks to intentionally remember and own the past, in the present. The origin and understanding of the disciplines associated with spiritual practice can also serve as conduit or barrier.

Seen through the eyes of a Pentecostal preacher's kid (PK), serving as an Associate Pastor of an open and affirming church, a focus group identified some issues within the congregation concerning spiritual development and mutual connectivity between individuals that identify as transgender and the church community. This thesis presents the resulting study and/or treatment which yielded several statistically significant differences between the pre and post survey results concerning knowledge and beliefs about transgender individuals and their mutual connectivity within a targeted church community. It also provides a model for organizations or congregations that have little or no experience working with transgender persons in identifying conduits and barriers to transgender spiritual formation; educational and leadership developmental needs; on-going assessment of strategic outreach and community building.

Dedicated to my mother, Thelma Sexton, for your unconditional love,
courage, and openness to change and to the memory of my father, Bishop
Clarence L. Sexton.



Dedicated to my life-partner, Deborah, the wind beneath my wings

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CHAPTER 1

POINT OF ENTRY

The Person

I entered this project as a BLACK¹ woman, born in Brownsville, a sub-section of Brooklyn, New York, as the third consecutive daughter of four daughters and two sons born to Bishop Clarence Sexton and Thelma Sexton; as the mother of five daughters and one son; as a grandmother; as a divorcee; as a wife; as an Associate Pastor at Unity Fellowship of Christ Church, NYC; as a teacher and mentor and student; as an advisor working for a Federal Agency; and as a friend and neighbor. And yet, I entered this project in quest for some greater awareness that would propel me to what the song writer Johnson Oatman, Jr. (1898) described as “a higher place than I have found” and although I believe there are many, this was a place awaiting my arrival. In order to allow you to glimpse the lens through which I viewed this project, I feel it important to discuss/open some of the chapters of my life and the active impact present at the “Point of Entry.”

There was a struggle associated with being the third consecutive daughter born into the family of a BLACK Pentecostal preacher and his wife during the 1950’s. According to my mother her ultimate responsibility as a wife was to birth a son who would carry on the name of his father. Until that took place, regardless of the beauty and

¹ Throughout this text, we will use the term Black to refer to people of African Diaspora, and to such populations that reside within the United States. To some, African Americans are a subgroup within the larger Black community. Since our discussion purposely includes those who may be first-generation immigrants or who, for whatever reason, do not identify as African American, we employ the term “Black.” Furthermore, we capitalize it to distinguish the racial category and related identity from the color. Similarly, we capitalize the word White when referring to race.

joy experienced in the gift of daughters, the father's surname was in jeopardy of extinction. The first child was a girl; second child was a sister for that little girl; and then came the third child, another girl. My father told me that there was disappointment, not in who I was but in what I was. That shared disappointment became a shroud upon my shoulders that colored not only my perception and experiences concerning what I was but to a greater extent who I was in the world. To counter this blow to my fragile ego, I embraced what I will refer to as an illusion of "overachieverism." I also embraced the God of unconditional love, who loved me in spite of who I was. The struggle came in deciding if I was worthy of that love. This environment created what Dr. Wayne E. Oates describes as "An Unnecessary Conscience" which can produce how I was often termed by my mother, as a "good" child.² It also made me super sensitive to those who have been deemed to be unwanted or unwelcome.

Growing up as a "preacher's kid" brought other challenges and blessings. There was what some perceived as privilege in being the child of the Pastor. My father often referred to his children as "bones of his bones and flesh of his flesh," and he operated out of that place literally. He expected our full commitment to the work that was needed in the ministry. He also detested nepotism and appeared to seize every opportunity to demonstrate to the congregation that our birthright carried ultimate responsibility for the work with no entitlement to preferential treatment. As he operated as chief servant, we were expected to do the same. He also believed that as servants, we should wait until everyone else is served before accepting service. Very often it was bittersweet because we were children. Although the model provided by our parents represented our only

² Wayne E. Oates, *Behind the Masks: Personality Disorders in Religious Behavior* (Philadelphia: Westminster Press, 1987), 87.

model and the guiding principles, sometimes it failed to afford us the room to be children. In 1 Corinthians 13:11 Apostle Paul says “When I was a child, I spake as a child, I understood as a child, I thought as a child: but when I became a man, I put away childish things.” How often do we carry unrealized childish things into our adulthood because we have not had an opportunity to truly experience childhood?

At the age of 18 I married one of the Deacon’s sons and remained in that marriage for almost 19 years. Our union produced five daughters and one son and after several long and drawn out attempts to breathe life back into the marriage, it ended in divorce. All of the emotions attached to the death of something that was loved and cherished was present, as well as the excitement and fear associated with beginning again. This time almost twenty years later, with six children ranging in age from 4 to 17, in my father’s church. The same church that had watched us grow up; celebrated the union of these two families coming together, celebrated the birth of our children, would now bear witness to the divorce and all of the questions, judgments and suspicion which would now attach themselves to the divorced. In my mind, measured up against the principles, it was a failure. It didn’t matter how long we were married; how many children we had; how hard we tried to make it work, at the end of the day, it didn’t. According to the principles, attempts don’t count. Challenge is looking back at the last 19 years of your life and feeling shame about the end result.

During the years of marriage I consistently worked in my father’s church and served God to the best of my ability. I also began going to school because there was just something about that experience that broadened my horizons and facilitated my exposure to the power of being. After the divorce I experienced a tremendous loss of identity. I was

no longer a wife; something that I had been since age 18. I didn't know who I was outside of the marriage which had consumed all of my 20's and most of my 30's. Approximately five years after the divorce, a second marriage was attempted. Marriage was something in which I thought I had excelled and it was also strongly encouraged by the congregation, since some were suspect of divorced women. Another marriage represented the solution to risk. In addition, I knew how to be a wife, mother, homemaker; to work in the church and hold down a full-time job while going to school and to mask any imperfection. However, as my horizons expanded my need for authenticity and self-awareness increased. There were many times I wanted to scream "whoa!" as life seemed to close in on me and my humanness demanded recognition. I had spent so many years trying to be holy and righteous and worthy and negating and judging anything less than that, that my humanness was dishonored and labeled as curse. However, I concluded that I was more than what I did.

In *Rest in the Storm* by Kirk Byron Jones, he states that there exists a "Great Denial" that happens when we "subjugate the most precious gift that God offers to each of us – personhood. We inadvertently abandon our humanity by discarding our legitimate personhood along with the garbage of selfishness and egoism; we abandon our humanity and throw away our sense of personhood as we reach for achievement after achievement, becoming unable to see ourselves, clearly and appreciatively, apart from what we do and produce."³ The second marriage failed and this time I was clear that something else was being called forth.

³ Kirk Byron Jones, *Rest in the Storm: Self-Care Strategies for Clergy and Other Caregivers* (Valley Forge, PA: Judson Press, 2001), 34-35.

I have always been an avid reader, often purchasing books to read at some later date. During the breakdown of my second marriage I remember purchasing “Conversations with God” by Neale Donald Walsh. I always longed for a conversation with God but denied the very possibility because of my unworthiness. I had attempted to read these books on several occasions but it was not until this period that I was open to receiving the content. As I understood it, I will forever remember the two polarities from which we operate: love and fear. Many decisions in my life were fear-based and I question how many were made out of self love? My attitude and openness to the new expanded as I began to move away from the safety of my father’s church and to find my own way.

After surviving two failed marriages and completing my undergraduate degree at night, I found myself at a crossroad. I had met a BLACK woman in my final semester and realized my capacity to experience and share same-gender love. I experienced this as both a blessing and a curse. Embracing this place would require that I surrender my safe places before I could be ushered to yet another level of faith in the unconditional love of God. It was too late to run back into a space too small for the being I had become. I began to sing “I have decided to follow Jesus, no turning back, no turning back,” with a confidence that I had never before experienced. My theology was evolving and compelling my voice and actions to come into alignment with my mind, body and spirit. The struggle culminated in an asthma attack that took me through intensive care and several days of recovery during the Christmas of 1994. It was the moment of truth. Something had been called forth; something that would determine if I lived or died.

Kirk Byron Jones cites a book written by Judith Viorst, entitled, *Necessary Losses*. She states “The first essential loss for us all is that comfortable and protected place we call the womb. Many more losses follow, including relationships, places and jobs. Life is a continuing cycle of losing and finding.”⁴ In embracing this new awareness concerning my sexuality, there were many initial losses in family relationships and in the church community of my origin. Although a gain in personal authenticity was experienced, the absence of the familiar was challenging as it extended not only to me but to my children as well.

I struggled with the internalized theology that had been handed down to me by my parents which said that homosexuality is an abomination. It was not until I actually accepted their definition and honored it as part of their theology, without judgment or negation, was I able to release it as a stronghold, give myself away and embrace my own theology. According to Bishop John Shelby Spong, *Living in Sin* “One cannot give oneself away unless there is a self to give, a self that has been claimed, accepted and courageously lived out. A self that is free to accept praise and to endure criticism, with no resulting change in essential being, is a self that is free.”⁵ For me, freedom was on the other side of self- acceptance. And although my family and community actions never indicated that they stopped loving me, some adopted a “Love the sinner and hate the sin” formulation. In *Love the Sin*, Janet R. Jakobsen and Ann Pellegrini state “The line between whom we are supposed to love (the sinner) and what we are supposed to hate (the sin) is impossibly movable and contradictory,” producing tolerance, instead of

⁴ Jones, *Rest in the Storm*, 46.

⁵ John Shelby Spong, *Living in Sin? A Bishop Rethinks Human Sexuality* (San Francisco: HarperOne, 1990), 161.

freedom and justice as the major way of understanding differences.⁶ And although tolerance was probably all that they could offer at the time, it created for me a loneliness that I will remember for time to come and one that I imagine often accompanies a necessary loss.

The Project

A neighbor invited and accompanied me to a church located in the Fort Greene section of Brooklyn called Unity Fellowship of Christ Church (UFC-NYC). She told me that it was a “gay church” and I will forever remember my first experience of UFC-NYC with wonder and amazement. So many people were present; people that I had never seen before and people that I knew and had worked with for years. The service was powerfully energetic, spirit filled and it was probably the last statement made by the then Rev. Zachary G. Jones (now Senior Bishop) that brought me back time and time again. He said “Remember, nothing can separate you from the love of God; no pope, no priest, no bishop,” and as I left that day I knew that I had found my new home.

I have progressed through UFC-NYC as Deacon Candidate, Deacon, Minister, Reverend and now as an Associate Pastor. There have been many experiences of highs and lows in these past 19 years. A declaration frequently quoted in UFC-NYC is “God is Love and Love is For Everyone.” One of the primary scriptures used as a basis for the ministry is found in Matthew 25:34-40, sometimes referred to as “The Final Judgment Scene,” where we find Jesus discussing how our love for God’s people will affect judgment in the eternal world.”⁷ The theology of UFC-NYC mandates that the hungry are

⁶ Janet Jakobsen and Ann Pellegrini, *Love the Sin: Sexual Regulation and the Limits of Religious Tolerance* (Boston: Beacon Press, 2004), 45.

⁷ Henry H. Halley, *Halley's Bible Handbook with the New International Version* (Grand Rapids, MI: Zondervan, 2000), 610.

fed, the thirsty are given drink, the stranger is taken in, the naked are clothed, the sick receive visitation, and the imprisoned are not abandoned. This theology includes all of God's children, even those who have been excluded from society for various reasons.

The congregation includes people from all walks of life and is comprised of African American, Latino, and white, lesbian, gay, bisexual, transgender, questioning, and heterosexual (LGBTQH) persons. Several of the transgender members are in leadership positions in the church. However, other transgender members or attendees are minimally participative and attend infrequently. There appears to be a pattern or cycle wherein transgenders start attending, begin to participate in worship and activities, start to develop relationships within the congregation (or not), and then something happens. They drop out of sight for a period of time and then some time later (often years), they return and the cycle repeats itself.

UFC-NYC has an auxiliary/ministry called "Common Spirit," which was organized many years ago. Recently assigned as the liaison and responsible for mentoring the leadership of the group, I was provided a copy of their Mission Statement, which indicates that the ministry is to provide an environment in which transgender/two-spirited/questioning people can share, network, provide, and receive peer support and education. During the early days of the group's formation and prior to working directly with this group, I observed that there appeared to be enthusiasm and lots of participation in the group. During the last couple of years, attendance and participation dropped dramatically for several obvious reasons. First, several of the transgender leaders passed away from chronic illnesses, leaving a void in a particular type of leadership. Second, several of the active participants moved away or moved on to other ministries. Third,

leadership positions were assumed by remaining members who may not have been as equipped with leadership and/or outreach skills. It was also unclear if the new leaders brought the same level of confidence, passion, and enthusiasm to the group.

I had also observed a possible strain in the development of relationships within the congregation and some of the transgenders in the group. Although the congregation is diverse, there appeared to be a disconnection and/or a mindset that operated from the premise that, “If I don’t understand it, I don’t want anything to do with it.” And because transgender is such a wide umbrella for many different paths, some congregants did not appear to be open to building community with people they did not understand.

Actually, Joanne Herman, author of *Transgender Explained For Those Who Are Not*, states that often individuals “with an alternate gender identity (how you feel) and/or gender expression (how you look and act) get referred to as ‘transgender’ for expediency.”⁸ And because there is a stigma associated with any adjective beginning with “trans,” many individuals deny being transgender. Herman also explains that individuals who are more traditionally included under this umbrella “include transsexuals who transition genders as she did, heterosexual cross-dressers who have an opposite gender presentation only part of the time, and genderqueer people who have a unique gender presentation all of the time.”⁹

In terms of the prevalence of transgenderism and gender non-conformity, Herman cites the estimates of Professor Lynn Conway, at “1.5 percent of the population, or fifteen people per thousand in the population. Compared with the Williams Institute’s latest statistic for gay/lesbian prevalence, that is one person for every three gay/lesbian

⁸ Joanne Herman, *Transgender Explained For Those Who Are Not* (Bloomington, IN: AuthorHouse, 2009), 3.

⁹ Ibid., 9.

people.”¹⁰ Herman states that if this figure appears high, it is because in the past transgender individuals have, to a great extent, been closeted. Some who transitioned genders decided never to admit being transgender, referred to as “stealth,” because of concerns over safety, stigmatization, and prejudice. Actually, prior to 2012, the identities of people who are transgender and gender non-conforming were categorized as a mental disorder by the American Psychiatric Association. However, according to an article dated December 3, 2012 by Zack Alford, editor of ThinkProgress LGBT at the Center for American Progress Action Fund, the American Psychiatric Association board of trustees approved a proposed revision to the *Diagnostic and Statistical Manual of Mental Disorder’s*—the *DSM-5*, which would no longer categorize people who are transgender or gender non-conforming as a mental disorder. The new manual is dated May 27, 2013 and “diagnoses transgender people with “Gender Dysphoria,” which communicates the emotional distress that can result from a “marked incongruence between one’s experienced/expressed gender and assigned gender.”¹¹ This revision will now allow for positive treatment and transitional care without the negative stigmatization that was previously associated with disorder. Herman also discusses the fact that overt sexism is alive and well, and often when a man puts on a woman’s clothes, he is immediately categorized as being less qualified. She also discusses the fact that conservative religious activists are busy trying to learn everything that they can about transgenderism and gender non-conformity so that they can distort the truth and create fear among lawmakers. In my opinion, this twisting of the truth is not new; it is as old as time and

¹⁰ Herman, *Transgender Explained*, 4.

¹¹ Zack Ford, “APA Revises Manual: Being Transgender Is No Longer A Mental Disorder,” <http://thinkprogress.org/lgbt/2012/12/03/1271431/apa-revises-manual-being-transgender-is-no-longer-a-mental-disorder/> (accessed January 2, 2014).

transported to our congregation through the minds of many who came from other conservative religious institutions, including myself.

This project was initially concerned with identifying barriers to transgender spiritual formation by identifying interdisciplinary barriers to building relationships between the transgender congregants and other members. However, the project concern was subsequently amended to also include the identification of any existing conduits that currently enhance spiritual development, mutual connectivity and support. It was also concerned with determining if UFC-NYC was utilizing the educational tools required to ensure that leaders understand the challenges faced by this group. The outcome of two focus groups identified that additional church support was needed to facilitate the membership being more receptive to transgender people—that is, asking and not judging. The group also discussed the need for open forum discussions and workshops.

UFC-NYC is a church with many parts that make up the whole. In order for the church to grow and be healthy, each part must understand their connection to the other. In *Healthy Congregations: A Systems Approach*, Peter L. Steinke writes that, “You cannot isolate anything and understand it. The parts function as they do because of the presence of the other parts.”¹² This highlighted another area that needed focus within the congregation, that being interconnectivity, inclusivity, and the Bible.

East New York is according to a report issued by the United Way of New York City, a low income, highly concentrated area of 35,001 to 45,000 poor people, where the median household income is \$25,001 to \$35,000. This figure includes 5,000 to 10,000 poor immigrants. Unemployment is also highly concentrated in this area at 10 to 15

¹² Peter L. Steinke, *Healthy Congregations: A Systems Approach* (Herndon, VA: Alban Institute, 2006), 3.

percent for people 18 to 64 years of age.¹³ The major interaction between the church and the community occurs on Thursday evening during Food Pantry, when approximately 100 to 150 bags of food are distributed to the community.

Many congregants, including the transgender members, do not live in the East New York community. When traveling by public transportation, congregants must walk at least two blocks through this community to arrive at the church. According to “SpotCrime: East Brooklyn, Brooklyn, NY Neighborhood Crime Map,” shooting and assault are the number one crimes in the area, followed by robbery.¹⁴ And according to “New York - Hate Crime Statistics 2009,” there were 61 incidents per bias motivation, based on sexual orientation committed in New York.¹⁵ The Division of Criminal Justice Research Report, “Hate Crime in New York State 2010 Annual Report,” also reflects that there were 135 incidents documented in Kings County, compared with 92 reported in 2009. Additionally, incidents involving a sexual orientation bias increased 15%, from 2009 to 2010. A major finding reflected in this report also indicates that, “The most frequently reported bias motivations for hate crimes in 2010 were anti-Jewish (31%), anti-black (20%), anti-male homosexual (16%), and anti-Hispanic (8%).¹⁶ It was not clear if the hate crime statistics in East New York impact the spirituality of the transgenders who attend the church. This was not an issue that presented itself during the

¹³ Community Service Society, United Way of New York City, “Mapping Poverty in New York City, Pinpointing the Impact of Poverty, Community by Community,” <http://www.cssny.org/publications/entry/mapping-poverty-in-new-york-city-pinpointing-the-impact-of-poverty-communit>, (accessed May 29, 2012).

¹⁴ SpotCrime, Brooklyn, “NY Crime Information and Alerts,” <http://spotcrime.com/ny/Brooklyn,east+Brooklyn> (accessed November 20, 2012).

¹⁵ U.S. Department of Justice Federal Bureau of Investigation, Criminal Justice Information Services Division, “Hate Crime Statistics,” Table 13 – New York –2009, http://www2.fbi.gov/ucr/hc2009/data/table_13ny.html (accessed May 29, 2012).

¹⁶ Brent Lovett, “Hate Crime in New York State 2010 Annual Report,” *Division of Criminal Justice Services Office of Justice Research Report*, July 2011, New York State Division of Criminal Justice Services, <http://criminaljustice.state.ny.us/crimnet/ojsa/hate-crime-in-nys-2010-annual-report.pdf>, 1-9 (accessed November 20, 2012).

focus group, however; those who attended the group consider that they have transitioned well. During an open forum of the afternoon service, one of the transgender females shared that she was fearful of going outside during the Food Pantry held on Thursday evenings because of some things that were said to her pertaining to her sexuality. Therefore, the study was also concerned with identifying if there were environmental barriers that increased physical, emotional, and psychological risk associated with transgenders attending the church services and when those barriers were activated.

The sense of urgency concerning possible barriers was attached to the spiritual formation of transgender congregants. If identified barriers were not addressed, this ministry might not survive, and the biblical mandates and theology of UFC-NYC would no longer produce living epistles. It was also important to identify active conduits that could be reinforced and highlighted. Further, a systemic change might be required in the church organization's structure in order to ensure that crisis intervention and corrective action occurred. The outcome of this project would identify conduits that are already producing spiritual development. The outcome would also identify barriers and institute a process that would support spiritual formation for transgenders in this ministry and other such ministries.

Three goals were initially proposed to address these issues and were subsequently revised to two goals: 1) to raise awareness among church leaders, congregants and the community about the transgender journey, through training and strategic outreach, and 2) to support the transgender group in identifying how their spiritual formation is enhanced.

The Site Team embraced this challenge as relevant and critical to this ministry. UFC-NYC was founded on the motto that "God is Love and Love is For Everyone." In

order to realize the mission, all members of the community must be valued. The team included a transgender male-to-female person who is a resource and will identify other resources that will assist in addressing the challenge; a school teacher; an analyst employed by NYC HIV/AIDS Services Administration (HASA); a labor advocate; a pastor; a professor of sociology; and the Senior Bishop of UFC-NYC.

CHAPTER 2 THE SETTING

Identity

Unity Fellowship of Christ Church, New York City (UFC-NYC) celebrated its 20th Anniversary during the weekend of May 6, 2012. According to the definition of “traditional” in *Webster’s New World Dictionary and Thesaurus*, UFC-NYC is a traditional church because it is built on “the handing down orally of beliefs, customs, etc., from generation to generation.”¹⁷ Many of UFC-NYC’s parishioners come from churches that did not affirm them as lesbian, gay, bisexual, transgender, or questioning people of faith and consequently did not welcome them to fully participate in church activities. At UFC-NYC, however, Senior Bishop Zachary G. Jones has offered them a place of their own, where they can worship God just as they are without feeling that God does not love them, thereby affirming that everyone has a seat at the table.

Bishop Jones, the founder of UFC-NYC, understood their journey from a personal place. According to an article in the *Bed-Stuy Patch*, dated April 21, 2011, he “has been involved in church activities for his entire life. Born and raised as a Baptist in Los Angeles, he held his own Bible studies as a teenager and was licensed in 1978 as a pulpit minister at the Mount Moriah Baptist Church.”¹⁸ The Biographical Notes on Zachary Jones, which appear in the lesbian, gay, bisexual, and transgender Religious Archives

¹⁷*Webster’s New World Dictionary and Thesaurus*, 2nd ed., s.v. “traditional.”

¹⁸ McCarton Ackerman, “Unity Fellowship of Christ Church Welcomes Gay Worshipers,” *Bed-StuyPatch*, April 21, 2011, <http://Bed-stuy.patch.com/articles/unity-fellowship-of-christ-church-welcomes-gay-worshippers> (accessed November 1, 2012).

Network (RAN), state that after his licensure, Bishop Jones transferred his membership to the Pentecostal denomination, which encouraged Bible-centered practice and instruction. It was in this community that “Bishop Jones decided that he needed to live his life fully as a gay man. As a teenager, he had wrestled with his sexual orientation and family/religious expectations.”¹⁹ Bishop Jones recalled that these were contentious times for him because neither his family nor his religious community supported gay persons, and so he spent his early years fantasizing about a time when he would be able to live sexually free.

He found a spiritual home at Unity Fellowship Church in Los Angeles, California, under the Unity Fellowship of Christ Church Movement, Inc. (UFCM), a movement dedicated to fighting homophobia and injustice against all. Although Bishop Jones was initially drawn to Unity because of its work with the Minority AIDS Project, he entered full-time ministry and was appointed Assistant Pastor in 1987. He served in that position for five years before going to New York City to form and pastor the first Unity Fellowship of Christ Church, NYC. And although the theology of UFC-NYC is based on the handing down of beliefs and customs from the Baptist and Pentecostal churches, the UFC movement critiques those beliefs and customs and re-interprets them in the context of the times. Additionally, UFC-NYC is “socially particularistic in some very non-traditional ways,”²⁰ a result of Bishop Jones’ tapping into a population that was unwanted, unwelcome, and unappreciated by Pentecostalism and other traditions.

¹⁹ The lesbian, gay, bisexual and transgender Religious Archives Network, www.lgbtran.org/Interview.aspx?ID=17 (accessed November 5, 2012).

²⁰ Omar M. McRoberts, *Streets of Glory: Church and Community in a Black Urban Neighborhood* (Chicago: University of Chicago Press, 2003), 106.

Approximately ninety percent of the congregation of UFC-NYC is gay, lesbian, bi-sexual, transgender, and questioning people of diverse colors and faiths. Slightly more women attend than men, and the majority of members are older than age 40. A large disparity exists among the members in education (ranging from the doctoral and master's level) and income (ranging from six figures to a fixed income at the poverty level). Many members of the congregation openly live with the virus.

In February 2003, UFC-NYC moved to 2578 Atlantic Avenue. They had previously rented space from Saint Mary's Episcopal Church in the Fort Greene area of Brooklyn, down the street from Pratt University at 230 Classon Avenue. Saint Mary's, a 175-year-old church, is surrounded by middle-to-high income brownstones and co-ops. Their Rector had been very supportive of the UFC-NYC ministry, but when a new Rector arrived, it became apparent that theological differences related to sexuality were no longer tolerable, and UFC-NYC was asked to move. Some people who had attended the church in Fort Greene could not follow UFC-NYC to the new location in East New York, the result being that today, few congregants live within walking distance of the church.

UFC-NYC offers two family-oriented worship services each Sunday. The 11 a.m. service tends to be more formal and includes a morning hymn and spoken word from the Bible. The 4 p.m. service, which began in 2009, includes more music and a Chorale comprised mainly of young people from 19 to 35 years of age (although a few members of the group who have a musical background are 45 to 55 years of age). The early part of the 4 p.m. service has an open forum where parishioners can share personal testimonies. This service also includes a segment dedicated to arts in ministry, which might include poetry, praise dance, a solo, or theatre piece in the form of a skit or play, which "delivers

the sermon.” Attendance at the first service averages from 100 to 125 persons; the second averages from 65 to 75.

Location

UFC-NYC is located in an industrial area in the East New York section of Brooklyn, New York 11207. Forty-four other churches are listed in this zip code,²¹ as are several housing complexes. The church is situated on a service road of Atlantic Avenue, a consistently busy, main thoroughfare beginning at the Brooklyn Queens Expressway (BQE) and running east to the Van Wyck Expressway in Queens.

The building was previously occupied, first by a nightclub and then by a private gym facility. A two-story warehouse-type structure with two large wide-open spaces on the first floor, the building has one area that is used as the main sanctuary; the other area contains a kitchen, fellowship hall, pantry, trustee office, two storage rooms, and two unisex, private restrooms.

The neighborhood has large abandoned buildings whose architecture symbolizes a time long past and a neighborhood that has greatly changed. The front of the church faces an overpass that shelters the East New York stop on the Long Island Railroad, and the church is surrounded by industrial-type buildings on the back streets, although the area has some private homes. Up until approximately four years ago, there were no neighbors on either side of the church. Today, an industrial building is attached to the right side of the church, which opened as a linoleum business within the past year. On the left side of the church, on the corner of Atlantic and Georgia, is a three-story bar and lounge for birthday parties and dances that opened in the last six months, known as the Bi-Polar

²¹ IndexedAmerica.com, www.indexedamerica.com/states/NY/Kings/Churches-Brooklyn-11207.html (accessed November 1, 2012).

Lounge. Across the street from the club is the neighborhood diner, where church members, employees from the surrounding industrial businesses, and the residents go to eat. Across the street from the diner is a large car wash, and at the end of that block is a nursing home.

The immediate surrounding blocks contain several auto repair and wrought-iron shops, scrap metal yards, and several large lots for school and Access-a-Ride buses. About two blocks west, a large U.S. Mini Storage facility stands among abandoned buildings.

Mixed in with these industrial businesses are private residences, many of which appear old, and one could infer by their appearance that their residents fall into a low-income bracket. Several homeless shelters and recovery houses are located within walking distance of the church:

- The Atlantic House Men's Shelter, started in 2003 under CAMBA, "provides temporary emergency housing in a safe, supportive and drug-free facility for 200 single men, at any given time who are dually diagnosed with mental illness and substance abuse."²²
- Women-in-Need Family Shelter, founded in 1983, offers "a range of community-based services for more than 9,500 homeless and disadvantaged children and adults."²³
- Brooklyn Women's Shelter, located at 116 Williams Avenue, Brooklyn, NY, in the old P.S. 63 school building, is "one of the three Assessment/Intake Centers for single homeless women citywide."²⁴

²²CAMBA, <http://camba.org/Programs/HousingServicesDevelopment/EmergencyandTransitionalHousing/AtlanticHouseMen'sShelter/tabia/186/Default.aspx> (accessed November 1, 2012).

²³ Yellow Pages, www.yellowpages.com/brooklyn-ny/mip/women-in-need-inc-473512327?geo_location_terms=brooklyn (accessed November 1, 2012).

- Fulton House, located at 2572 Fulton Street, Brooklyn, NY, and funded by The Bowery Resident's Committee (BRC) founded in 1971,²⁵ is a 48-bed community residence for individuals diagnosed with severe and persistent mental illness.
- The Institute for Community Living (ICL) Continuing Day Treatment facility, located around the corner from the Atlantic House Men's Shelter, serves and treats individuals with mental illness, co-occurring substance abuse, and a history of homelessness. ICL has another office directly across the street from the church at 2384 Atlantic Avenue known as The Personalized Recovery Oriented Services Program (PROS) that appears administrative in nature. Its "program is a group based recovery program for adults (aged 18 to 90) with psychiatric disabilities, designed to provide a comprehensive array of services and treatment within the same program to facilitate recovery, wellness and support."²⁶

Two additional shelters for the homeless are in this zip code, and Bushwick Family Residence, an additional shelter at 1675 Broadway, Brooklyn, New York, provides care for the homeless.

Residents from Brooklyn Women's Shelter, Atlantic House Men's Shelter, and Women-in-Need Family Shelter often attend UFC-NYC's Thursday evening Food Pantry, and a couple of the residents from Brooklyn's Women's Shelter often attend Sunday worship services.

²⁴ NYC New York City Innovations in Mental Health, Mental/Behavioral Health, http://newyorkcity.ny.networkofcare.org/mh/services/agency.aspx?pid=DepartmentofHomelessServicesTheBrooklynWomensShelter_754_2_0 (accessed November 1, 2012).

²⁵ BRC Programs, www.brc.org/programs_trans_housing.php (accessed November 12, 2012).

²⁶ MHA-NYC New York City Innovations in Mental Health, Mental/Behavioral Health, http://newyorkcity.ny.networkofcare.org/mh/services/agency.aspx?pid=InstituteforCommunityLivingIncEastNewYorkPROS_754_2_0 (accessed November 1, 2012).

History

UFC-NYC was founded and established in 1992 in response to a call made to the mother church in Los Angeles, California. According to an interview conducted in 2005 with Bishop Jones, and an oral history interview that appears in the LGBT Religious Archives Network (RAN),²⁷ its story begins in the late 1980s when the gay community in Los Angeles was being ravaged with the HIV/Aids crisis. Very little information or scientific study was available, particularly to the African American community, which had witnessed people die. UFC had a small work there, particularly for the African American Lesbian Gay Community, and from time to time, it would connect and network with other people across the country. Once its work became somewhat known, an interest group in New York contacted their Pastor (now Archbishop) Carl Bean, wanting to know if there was anything they could do in New York that would duplicate the work being done in Los Angeles. Archbishop Bean told Bishop Jones, then the Assistant Pastor, to take over the work in Los Angeles so that he could go to New York to answer a consistent call coming from the believers there. However, Bishop Jones suggested that it would be better if the Archbishop remained in Los Angeles because of the many years he had invested in cultivating and developing the work there. Bishop Jones then offered to go to New York instead. The Archbishop agreed, and Senior Bishop Zachary G. Jones “set up the first Unity Fellowship satellite church in New York City.”²⁸

The first service was held on May 10, 1992 at The Center (Lesbian & Gay Community City) with but ten people gathered for worship, but within a few years, the

²⁷ Lesbian, Gay, Bisexual and Transgender Religious Archives Network, “Oral History,” <http://www.lgbtran.org/Interview.aspx?ID=17> (accessed January 28, 2014).

²⁸ Carl Bean and David Ritz, *I Was Born This Way: A Gay Preacher's Journey through Gospel Music, Disco Stardom, and a Ministry in Christ* (New York: Simon & Schuster, 2010), 242.

line of people attending worship services extended out of the assigned room, down the staircase, and out the door. Lesbian, gay, bisexual, transgender, and questioning people came from all over to attend worship services – and to be affirmed.

Mission

The mission of Unity Fellowship of Christ Church is as follows:

Unity Fellowship of Christ Church – New York City is a Social Justice Ministry, whose mission is to teach freedom on all levels of racial, sexual, religious, and social-economic oppression. Our mission is carried out through the valuing of ourselves, as God has made us and valuing of our heritage, including but not exclusively, the historical and literal teachings of Jesus Christ, as man and deity. The valuing of our communities is demonstrated as we feed the hungry, clothe the naked, support and offer love to those who are incarcerated and those who suffer hardships.

UFC-NYC continually fulfills its mission by teaching freedom on all levels through the Spoken Word, spiritual development classes, leadership classes, one-on-one counseling, and fellowship. Several activities demonstrate how the mission is carried out through the valuing of one another. Each worship service includes an affirmation segment when the audience is invited to stand and affirm one another, usually by saying to their neighbor, “You are very special.” In an annual event called “Role Reversal,” some parishioners voluntarily perform and portray opposite-gender roles, demonstrating their God-given ability to be diverse and creative in a safe and sacred space. While some of the presentations/acts may be comical, they are also affirming, and this event is always well attended by newcomers and visitors. The valuing of heritage is demonstrated by the pouring of libation to honor the ancestors during the opening of special events.

Each Thursday evening, the line of community residents that often extends half a block long from the front entrance of the church is evidence that the Food Pantry is in operation, distributing approximately 100 to 150 bags of food to community residents and those referred by other food distribution sites. According to a listing of Brooklyn,

New York Food Pantries, UFC-NYC's is one of the only food pantries that remain open until 9 p.m. in this zip code area.²⁹ Individuals come from all over the area. In fact, sometimes calls are received in the church administrative office from people outside the area asking for directions and the time of food distribution. During certain times of the year, on Sundays between services and on Thursdays while the Food Pantry is operating, student nurses take blood pressures and provide dietary information. Sometimes clothing, shoes, and other items are available for distribution as well.

UFC-NYC's commitment to its mission is both behind the scenes as well as in the public eye. Every year, a week-long event called Unity-in-Community is held to commemorate a proclamation honoring Unity Fellowship, issued in 1995 by Manhattan Borough President Ruth Messinger.³⁰ The week's events feature activities designed to let the community know what the church is about. Unity-in-Community now also includes open forums for members and others to discuss homosexuality and the Bible as well as other requested topics.

²⁹ FoodPantries.org, www.foodpantries.org/ci/ny-brooklyn (accessed November 5, 2012).

³⁰ Joyce Shelby, "Gays Discover Unity – and Spiritual Home," *New York Daily News*, June 22, 1997, www.nydailynews.com/archives/boroughs/gays-discover-unity-spiritual-home-article-1.759155 (accessed December 4, 2012).

CHAPTER 3 CONDUITS & BARRIERS

Biblical Themes

The neglect and misinterpretations of several biblical themes and their supporting passages have led to assumptions that contribute to homophobia in some churches today and have created barriers to transgender spiritual formation.

For the purpose of this discussion, I will begin by defining the term “homophobia.” According to Bruce Hilton, “homophobia” can be defined as an “irrational fear or hatred of homosexual people.”³¹ Hilton indicates that, unlike sexual orientation, homophobia is contagious, with effects ranging from mild distaste to raging homicidal behavior and from attitudes of judgment to obsession. Hilton’s definition closely resembles that of the *Merriam Webster Dictionary*, which defines homophobia as an “irrational fear of, aversion to, or discrimination against homosexuality or homosexuals.”³² Although scholars such as Sears and Williams have defined homophobia more broadly as “prejudice, discrimination, harassment, or acts of violence against sexual minorities, including lesbians, gay men, bisexuals, and transgendered persons,”³³ differences between homophobic attitudes and feelings are now better detected through the use of psychological instruments.

³¹ Bruce Hilton, *Can Homophobia Be Cured? Wrestling With Questions that Challenge the Church* (Nashville, TN: Abingdon Press, 1992), 17.

³² Webster's New World Dictionary and Thesaurus, 2nd ed., s.v. “Homophobia.”

³³ James J. Dean, “Homophobia,” *Blackwell Encyclopedia of Sociology*, http://www.sociologyencyclopedia.com/public/tocnode?id=g9781405124331_yr2012_chunk_g978140512433114_ss1-42 (accessed December 27, 2012).

For the purposes of this discussion, therefore, homophobia will be defined as irrational fear of, or discrimination, harassment, or acts of violence against sexual minorities, including lesbians, gay men, bisexuals, and transgender persons. Although this project will focus on the transgender individual, the discussion will address Old and New Testament texts traditionally used to teach about homosexuality (transgenders are included under this same umbrella) and used to justify homophobia. In *The Good Book: Reading the Bible with Mind and Heart*, Peter J. Gomes identifies these texts as follows³⁴

- | | |
|---|--|
| 1. Genesis 1-2 | The Creation Story |
| 2. Genesis 19:1-9 | Sodom and Gomorrah, with the parallel passages of Judges 19 and Ezekiel 16:46-50 |
| 3. Leviticus 18:22 and 20:13 | The Holiness Code |
| 4. Romans 1:26-27 | Regarded as the most significant of Saint Paul's views |
| 5. 1 Corinthians 6:9 and 1 Timothy 1-10 | Lists of Pauline descriptions of vices |

The Creation Story

Gomes recalls a much-quoted statement I remember hearing throughout my young adult life in the Pentecostal Church – that God created Adam and Eve, not Adam and Steve. Daniel A. Helminiak addresses this popular argument. According to Helminiak, “Genesis is a lesson in religion, not a lesson on sexual orientation.”³⁵ The standard story presented in the text includes a man, a woman, their relationship, and the children produced by that relationship, a setting that represents ancient Hebrew life. Helminiak claims that the story only represents the vehicle for making the religious point

³⁴ Peter J. Gomes, *The Good Book: Reading the Bible with Mind and Heart* (New York: William Morrow, 1996), 149.

³⁵ Daniel A. Helminiak, *What the Bible Really Says About Homosexuality* (San Francisco: Alamo Square Press, 1995), 101.

and that the argument concerning “Adam-and-Eve-not-Adam-and-Steve” depends on the *ad ignorantiam* argument, which is based on the assumption that, because the Bible does not actively support homosexuality it condemns it, when we do not really know the position of the Bible on homosexuality.

For his part on this topic, Gomes cites the July 1994 issue of *Theology Today*, in which Jeffrey S. Siker declares that arguing that the creation story privileges a heterosexual view is one of the weakest arguments possible, for it is based on silence. “Heterosexuality may be the dominant form of sexuality, but it does not follow that it is the only form of appropriate sexuality.”³⁶ He further states, “The subject of homosexuality is not mentioned in the Ten Commandments or in the Summary of the Law. No prophet discourses on the subject. Jesus himself makes no mention of it, and homosexuality does not appear to be of much concern to those early churches with which Saint Paul and his successors were involved.”³⁷ The word “homosexuality” itself does not appear in any of the original manuscripts. Gomes cites historian John Boswell’s 1980 study, *Christianity, Social Tolerance, and Homosexuality*, wherein Boswell states that the word does not appear “in the Bible, no extant text or manuscript and that Hebrew, Greek, Syrian or Aramaic languages never contained a word corresponding to this word before the late nineteenth century.”³⁸ According to Gomes, the authors of Genesis were intent on answering the question, “Where do we come from?” The only possible answer (both then and now!) is from the union of a man and a woman. Therefore, the creation story was the basis, not the end, of the diversity of humanity.

³⁶ Gomes, *The Good Book*, 149.

³⁷ Ibid., 147.

³⁸ Ibid., 148.

Sodom and Gomorrah

One of the most famous themes or passages that contribute to homophobia is taken from the story of Sodom and Gomorrah, found in Genesis: 1-11. When I was growing up in the Pentecostal Church, we were taught that these cities were destroyed because of homosexuality, and, for some reason, more emphasis was placed on Sodom than on Gomorrah.

According to Helminiak, this story has been used to condemn homosexuality since the twentieth century. “The word ‘sodomite’ was lifted from this story to mean someone who engages in anal sex, for the sin of Sodom was assumed to be male homogenital acts. So supposedly, God condemned and punished the citizens of Sodom, the Sodomites, for the homogenital activity.”³⁹

Helminiak discusses this story in detail, describing how the two angels come to Sodom in the evening when Lot is sitting in the city’s gateway. Lot rises to meet the strangers, bows down his face to the ground, and invites them to his house for the night where they can wash their feet and then rise refreshed early on their journey. The angels respond that they would spend the night in the square. Lot strongly urges them to accept his invitation and they agree to go home with him, where Lot makes a feast and bakes unleavened bread, and they eat. Before they can turn in for the night, however, the men of Sodom, both young and old, surround the house and call out to Lot, asking and demanding that the two strangers be brought out to them so that they might know them. Lot pleads with them not to act so wickedly and offers them his two virgin daughters, with whom the men may do as they please. Lot pleads with them not to do anything with his guests, for they have come under the shelter of his roof. The men tell Lot, “Stand

³⁹ Helminiak, *What the Bible Really Says*, 36.

back!” Because Lot is not originally from Sodom, they challenge his authority. They then try to break down the door. The visiting angels inside reach out their hands and pull Lot to safety, shut the door, and strike the crowd with blindness so they cannot find the door. The visiting angels inform Lot that God is going to destroy Sodom with fire and brimstone. Lot is able to escape the town with his family, although his wife disobeys the order not to look back and is turned into a pillar of salt. Sodom and neighboring Gomorrah are then destroyed.⁴⁰

Helminiak agrees that there is a sexual reference in the story because Lot offers his virgin daughters as sex objects. He also agrees that the phrase “to know” can mean “to have sex with.” Of the 943 times the phrase appears in the Old Testament, only ten have a sexual meaning, and this text is one of them. Therefore, it is possible that the men wanted to have sex with Lot’s guests, which is implied by Lot’s offering his daughters to them. On the other hand, it may be that the men may have wanted to find out who these strangers were and what they were doing in their town. After all, Lot was an outsider, and there might have been some suspicion aroused by his inviting more strangers into their town. Being an outsider, Lot may not have understood that. Helminiak concludes that, while most experts believe that the passage refers to homogenital acts, “this text is concerned about abuse, not simply about sex.”⁴¹ What is at stake may not be an issue of male-male sex but male-male rape.

Gomes cites historian John Boswell, who claimed that, throughout the Middle Ages, the word closest to meaning “homosexual” in Latin or in any vernacular was *sodomita* and, in an extensive etymological note, Boswell points out that the term

⁴⁰ Helminiak, 36.

⁴¹ Helminiak, 37.

sodomy “has connoted in various times and places everything from ordinary heterosexual intercourse in an atypical position to oral sexual contact with animals.”⁴² At some point in history, the word referred almost exclusively to male homosexuality while at other times, it has meant heterosexual excess. Gomes also cites Victor Paul Furnish in *The Moral Teaching of Paul*, who claims that, “in every instance in the King James Version where the term ‘sodomite’ is used, the reference is to male prostitutes associated with places of worship.”⁴³ According to Gomes, Furnish makes the point that the sodomites are condemned because they serve alien gods of the Canaanite and Babylonian fertility cults, not because they have sexual relations with other men.

Both Helminiak and Gomes admit that there is no way of being absolutely certain what the “sin of Sodom” is. Gomes notes that, throughout the Old Testament, Sodom is referred to as a place of wickedness, but nowhere does the text state that the wickedness was homosexuality. Gomes highlights other wrongs present in the texts, such as insulting a traveler, inhospitality to the needy, sexual abuse, and assault. He additionally points out that the decision to destroy the city was made before the angels arrive and so the punishment must have to do with prior wickedness. The men of Sodom could have believed that their fate was sealed by the arrival of Lot’s guests, which was why they wanted to “know” them, either as further indication of their wickedness or for reassurance that the strangers were not bringing doom to the city.⁴⁴

To further illustrate the sins of Sodom, Helminiak cites Ezekiel 16:48-49, which states, “This was the guilt of your sister Sodom: she and her daughters had pride, surfeit of food and prosperous ease, but did not aid the poor and needy;” Wisdom 19:13 states

⁴² Gomes, 150.

⁴³ Ibid., 151.

⁴⁴ Ibid.

that the sin of Sodom was a “bitter hatred of strangers” and making slaves of guests who were benefactors;” and, in Matthew 10:5-15, Jesus refers to Sodom when speaking about those who reject the messengers of God and lack hospitality. Less direct biblical references, such as Isaiah 1:10-17 and 3:9, Jeremiah 23:14, and Zephaniah 2:8-11, list the sins of Sodom and Gomorrah as injustice, oppression, partiality, adultery, lies, and encouraging those who do evil. Judges 19 describes a similar storyline to the Sodom & Gomorrah story. However, in Judges, a slave woman who belonged to the visiting Levite is offered to the wicked men of the city. She is raped and abused all night. In the morning she is found at the doorway, and she is taken home, cut up into twelve parts, limb by limb, and a part sent to each area of Israel. According to Halley’s *Bible Handbook*, this story represents “a narrative of savage justice for a crime unspeakably horrible, as a result of which, the tribe of Benjamin was almost wiped out.”⁴⁵

The Holiness Code

Two other passages that have been misunderstood and have contributed to homophobia in the church are found in Leviticus 18:22 and 20:13, texts sometimes referred to as The Law of Leviticus, which contains The Holiness Code. According to Helminiak, the Holiness Code was a list of laws and punishments that spelled out the necessary requirements for Israel to remain “holy” in the sight of God. The Israelites’ believed they were the chosen people of God, bound by a covenant that required that they not participate in religious practices of the people they had conquered, the Canaanites. They believed they were to be set apart and consecrated.

⁴⁵ Henry H. Halley, *Halley's Bible Handbook with the New International Version*, rev. ed. (Grand Rapids, MI.: Zondervan, 2000), 208.

Helminiak claims that in Leviticus 18:22, the Bible refers to a man lying with a man as with a woman and clearly refers to homogenital acts, with no reference to lesbian sex. The act is defined as an abomination, as “a violation of the purity rules that governed Israelite society and kept the Israelites different from other peoples.”⁴⁶ Helminiak argues that “abomination” is a translation of the word *toevah*, which could also be translated as unclean, impure, dirty, or taboo. Another word, *zimah*, describes something that is wrong in itself and is not objectionable for religious or cultural reasons. “It means an injustice, a sin.”⁴⁷ He concludes that, because the word *zimah* was not used, the intent of the text was not to say that a man lying with a man was a sin, but that it was a ritual violation, and unclean. In the second passage, Leviticus 20:13, the prescribed penalty is death.

In his discussion of these passages, Gomes claims that the Holiness Code was designed to provide a standard of moral behavior that would distinguish the Jews from the Canaanites. The Jews had been given the Canaanites’ land, and the Code was the price for that land. “The Jews were not to worship the Canaanite god Molech, nor to adopt any of the practices of the people who do. The sentence to be carried out when the Holiness Code is violated is death.”⁴⁸ As severe as this sounds, both Helminiak and Gomes discuss the fact that the same penalty was prescribed, although for different reasons – for cursing one’s parents, adultery, incest, and bestiality.

Cursing one’s parents was a major crime against society, which was built on a patriarchal system dependent upon obedience within a family hierarchy. Adultery was considered a personal offense, an infidelity, and the betrayal of a trust or commitment. “In ancient Israel, adultery was an offense only against the husband; it was an unlawful

⁴⁶ Helminiak, 48.

⁴⁷ Ibid., 52.

⁴⁸ Gomes, *Good Book*, 53.

use of his property – his woman, his wife,”⁴⁹ and involved a financial loss because the man had paid a bride price for his wife. She was important to the family and the increase in his property because marriage and childbearing determined ownership and inheritance.

Engaging in homogenital acts was defined as acting like the Gentiles, betraying the Jewish religion, and as a religious crime of idolatry and/or religious treason, punishable by death. According to Helminiak, “The Holiness Code of Leviticus prohibits male same-sex acts because of religious considerations, not because of sexual ones. Homogenitality sex is forbidden because it is associated with pagan activities, with idolatry, with Gentile identity.”⁵⁰ According to Helminiak, the argument found in Leviticus is not ethical or moral but is religious and specifically concerned with preserving a strong Jewish identity.

Gomes’ discussion of the Holiness Code parallels Helminiak’s, although the latter makes an additional argument that the purpose for the rules contained in the Holiness Code was for transforming a frontier community into a nation. Gomes provides a context for these passages as “cultural identity, protection, and procreation. In this context homosexual conduct is a risk to all three of these necessary frontier ambitions.”⁵¹ Furthermore, Gomes cites Boswell’s argument that a distinction must be made between what is ritually impure and what is essentially wrong. In Leviticus, homosexuality is condemned as ritually impure, which is consistent with the definition of abomination. As cited by Gomes, “An abomination is by definition what the Gentiles do, but that in and of itself is not necessarily evil or a violation of the Commandments. Thus, homosexuality is

⁴⁹ Helminiak, 44.

⁵⁰ Helminiak, 47.

⁵¹ Gomes, 154.

an abomination in Leviticus not because it is inherently evil but because the Gentiles do it, and it is therefore ritually impure.”⁵²

Saint Paul

Turning to the New Testament, Romans 1:26-27, attributed to Paul, has often been assumed to be a commentary regarding homosexuality and thus has contributed to homophobia in the church.⁵³ The passage reads,

For this reason God gave them up to dishonorable passions. Their women exchanged natural relations for unnatural, and the men likewise gave up natural relations with women and were consumed with passion for one another, men committing shameless acts with men and receiving in their own persons the due penalty for their error.

Gomes argues that Paul was not writing about homosexuality as he knew it or as we know it: he was writing about the fallen nature of humanity. Humankind had become corrupt and ungrateful and had ignored the Creator, consequently becoming the object of their own worship by being caught up in their own ego. They were totally self-absorbed, and they themselves became the golden calf by worshipping their own worldly wisdom and philosophy. Gomes claims that “we become what we worship,”⁵⁴ and the shameless acts that Paul was referring to, whether experienced by heterosexuals or homosexuals, always included lust and greed, willfulness, exploitation, and pederasty: “All Paul knew of homosexuality was the debauched pagan expression of it.”⁵⁵ To base the church’s position about homosexuality on Paul’s limited knowledge, therefore, ignores the full scope of homosexual relations that include love and respect, and, Gomes argues, such an interpretation lacks moral principles.

⁵² Gomes, 154.

⁵³ Ibid., 155.

⁵⁴ Ibid., 156.

⁵⁵ Ibid., 158.

Helminiak states that only one biblical text, Romans 1:27, really discusses homogenital acts. From this text, people infer that gay sex is “unnatural,” and that venereal disease and HIV are the consequential punishments. However, Helminiak contends that in order to understand this text, one must understand the context. Helminiak explains the passage, claiming that for Paul, something was “natural” when it responded according to its own kind and was as it was expected to be. For Paul, to be “natural” was to be characteristic, consistent, ordinary, standard, expected, and regular. When people acted as they were expected and showed a certain consistency, they were acting “naturally.”⁵⁶ In contrast, when people did something unusual, surprising, beyond the routine, or outside of character, their actions were “unnatural.” Therefore, if men or women engaged in sexual practices that were outside of the ordinary, those practices were defined as unnatural. However, Helminiak states that based on the Greek word for nature, *physis*, which could have various meanings, these practices were not defined as wrong but as unusual or out of the ordinary. Furthermore, he points out that in Romans 11:24, Paul uses the words *para physin* to describe how God united the Gentiles with the Jews, making them one in Christ. This would certainly be defined as unusual and perhaps “unnatural.” The term *para physin*, which could be defined as “contrary to nature,” was used in Stoic philosophy, of which Paul was aware and could not have escaped, as it pervaded the Roman Empire. Virtue consists in living by reason, not by emotions or feelings.⁵⁷ Any sex that was non-procreative was therefore defined as unnatural. However, it appears that Paul did not understand this theory or utilize these words

⁵⁶ Helminiak, 64.

⁵⁷ Ibid., 66.

consistently. He was not a Stoic, but he was a Jew at heart, which explains how he discusses same-sex acts in Romans.

Pauline Lists of Vices

Helminiak claims that two other texts, found in 1 Corinthians and 1 Timothy, refer to homogenital acts. Their meaning is based on the translation of the Greek words *malakoi* (soft) and *arsenokoitai* (*arseno* refers to men and *koitai* means lying with). *Malakoi* does not have a specific reference to homogeneity, but *arsenokoitai* refers to male same-sex acts. “Specifically, these texts condemn wanton, lewd, irresponsible male homogenital acts but not homogenital acts in general.”⁵⁸ Helminiak further argues that these words are part of a list that reflects various kinds of sinners. The 1952 Revised Standard Version of the Bible, 1 Corinthians 6:9-10 translates these two words as one, “homosexuals.” In the 1977 Revised Standard Version, the two words are translated as “sexual perverts,” and in the 1989 New Revised Standard Version, the words are translated separately as “male prostitutes and sodomites.” 1 Timothy 1:9-10 (NRSV) also reflects “sodomites.”

Helminiak points out that the New American Bible (NAB) translated *arsenokoitai* as “practicing homosexuals,” reflecting the Roman Catholic Church’s mid-1970s teaching that “to be homosexual is no fault, but to engage in homogenital acts is wrong.”⁵⁹ After a support group for lesbian and gay Catholics and friends raised this wording with the NAB editors, the term was subsequently deleted and replaced with “sodomites.” Helminiak concludes that, in all areas of sexual matters, the Bible requires

⁵⁸ Helminiak, 85.

⁵⁹ Ibid., 87.

mutual respect, caring, and responsible sharing – in essence, love. It is the violation of any one of these requirements that the Bible condemns.

Gomes cites John Boswell's conclusion about New Testament texts regarding homosexuality in *Christianity, Social Tolerance, and Homosexuality*, in which Boswell states, "The New Testament takes no demonstrable position on homosexuality. To suggest that Paul's references to excesses of sexual indulgence involving homosexual behavior are indicative of a general position in opposition to same-sex eroticism is as unfounded as arguing that his condemnation of drunkenness implies opposition to the drinking of wine."⁶⁰

In Gomes' own conclusions regarding these texts, he states that if our perception of homosexuality is based on prejudicial and uninformed readings of the Bible, that perception must be changed. Furthermore, an absolute stance on biblical authority is a form of Protestant idolatry. By changing the core view on sexuality, the meaning and character of our call will not only be changed but enlarged to reflect a powerful and inclusive gospel.⁶¹

What is at stake? Gomes states that it's not simply the authority of scripture but the authority of the interpretational culture by which these people read scripture such that legitimacy is granted to doctrinal prejudices. Therefore, "the battle for the Bible is really a battle for the prevailing culture, of which the Bible itself is a mere trophy and icon."⁶² In concurrence with Gomes, it is my belief that many of these cultural conservatives would rather defend their self-serving ideology in the name of the authority of scripture than admit that their interpretation could possibly be wrong and that the Bible and the

⁶⁰ Gomes, 160.

⁶¹ Ibid., 162.

⁶² Ibid.

God who inspires it may be more inclusive than they have the capacity or will to be.

Merriam Webster Dictionary defines idolatry as “excessive reverence for or devotion to a person or thing.”⁶³ In my opinion Protestant idolatry occurs when we worship the gift and not the gift giver; when we worship the Bible and not the source.

What Does the Bible Say About Otherness?

In my opinion, each of the passages discussed has been misunderstood by many and used to contribute to homophobia. Until this situation is addressed, homophobia in the churches will continue and will present barriers to the spiritual formation of individuals who identify as transgender.

These misinterpretations of biblical passages and themes stem from a human inclination to isolate the “other.” Exploring what the Bible says about “otherness” can perhaps be taken to recover or bring enlightened meaning in support of transgender spiritual formation. The Bible does not use the word “otherness,” per se. There is, however, a way to pursue a discussion about this concept by calling upon literary criticism.

In her book, *Imagining the Other: The Use of Narrative as an Empowering Practice*, Lisa Onbelet writes that “otherness is being anyone or anything that is not me,”⁶⁴ that is, otherness is defined by difference and is usually identified by outward signs such as race and gender. Otherness has been associated with marginalized people, who have been disempowered because of their difference from a dominant group (a cultural “me”), who deprives the “not me” group of a social, religious, and political voice

⁶³ *Webster's New World Dictionary and Thesaurus*, 2nd ed., s.v. “idolatry.”

⁶⁴ Lisa Onbelet, “Imagining the Other: The Use of Narrative as an Empowering Practice,” *McMaster Journal of Theology and Ministry*, www.mcmaster.ca/mjtm/3-1d.htm (accessed December 29, 2012).

in the world. Onbelet notes that, in literature, this difference is often expressed as some type of weakness or superior strength, or intelligence, based on how compassionate the dominant cultural voice is to that difference.⁶⁵

Onbelet argues that marginalized people cannot tell their story unless the dominant group gives them permission to speak. These people cannot define themselves but must instead operate from the descriptions assigned to them by the dominant group, thus robbing them of their voice, identity, sense of self, and self-value. Onbelet cites Emmanuel Levinas, who argues, “The self cannot exist, have a concept of itself as self, without the Other, and that I am defined as a singular person because I am exposed to the Other.”⁶⁶ Levinas also believes, writes Onbelet, that the self cannot survive alone and needs the face of the Other, of difference, in order to define itself and find meaning. Onbelet also cites Richard Kearney’s “labyrinth of looking-glasses,” a tension between the self and the Other that has the greatest level of authority when the Other lives outside of the dominant social group, and where the Other needs to be acknowledged.

Onbelet admits that, although she had experienced a feeling of concern for marginalized people, she had not believed that this discourse had anything to do with her on a personal level. She admits, “I knew about the Other (with a capital ‘O’), I just did not see her.”⁶⁷ I can identify with her personal revelation because for many years I knew about the Other, those living outside of the dominant social group. I was one of them. While to some extent we had a voice, other marginalized groups in the community and in the church did not, and likewise, we did not see them.

⁶⁵ Onbelet, 1.

⁶⁶ Ibid.

⁶⁷ Ibid., 2.

In *The Mystery of Creaturely Otherness*, John M. Frame presents another perspective of Otherness. He claims, “Creation marks the beginning of non-divine ‘otherness,’ a creaturely otherness.”⁶⁸ Frame explains that the Bible teaches that God created everything except God, and that creation was something new – something other than God, that is, a creaturely Otherness. We are, then, each the Other, whether by acknowledging that “I am defined because I am exposed to the Other” or that I am the non-divine product of creation.

If that is true, and I believe that it is, then rendering certain groups as an invisible Other is a reaction against a fear of being rendered invisible. I believe there to be an even greater degree of such invisibility in some churches, particularly as it pertains to the transgender person. It is unclear how the spiritual formation of transgender individuals can be supported if change in the form of first seeing and acknowledging one another does not take place.

The Bible contains many stories about the marginalized and those who lived outside of the dominant culture. One such story is that of the Ethiopian Eunuch (Acts 8:26-40), which is often used to support and bring enlightened meaning to transgender spiritual formation. One of the definitions of a eunuch comes from “the Greek word *eunouchizo* and literally means to castrate a man.”⁶⁹ In today’s culture, this would classify an individual as a transsexual, which falls under the umbrella of transgenderism, a term that is also used to include lesbians. This, however, might be a misinterpretation. According to Faris Malik, *Thesis: Eunuchs Are Gay Men*, “Most so-called ‘eunuchs’ in

⁶⁸ John M. Frame, “The Mystery of Creaturely Otherness,” www.frame-poythress.org/the-mystery-of-creaturely-otherness/ (accessed December 29, 2012), 1.

⁶⁹ “What on Earth Is a Eunuch?” GayChristian101, www.gaychristian101.com/Eunuchs-Are-Gay.html (accessed December 30, 2012), 1.

the ancient world were not anatomically deprived and were able to procreate.”⁷⁰ Malik claims that most individuals who were called eunuchs by our pre-Christian ancestors were in fact gay men and were not missing a critical part of their reproductive anatomy, either because of castration or a birth defect. In Matthew 19:12, Jesus also makes this distinction: “For some are eunuchs because they were born that way; others were made that way by men; and others have renounced marriage because of the kingdom of heaven. The one who can accept this should accept it.” In other words, some eunuchs were in fact born that way and not all have been castrated. We will never know if the Ethiopian Eunuch had been castrated or not or was transsexual. He is, however, sexually distinct from other biblical characters, and this story has been used to demonstrate the power of grace to each of us, even the Other. That invitation comes to each of us to believe and receive the Good News.

What actions, then, can we take to recover or enlighten meaning in support of the spiritual formation of transgenders? Well, I agree with W. Maitre, who defines “spiritual formation as the never-ending inner work of the Spirit transforming believers into the perfect image of Christ.”⁷¹ And so, to identify actions towards that goal, I refer again to Hilton, who explores a striking parallel between homophobia and alcoholism. He discusses four essential steps that are needed in order to get started on addressing homophobia. The first and hardest is recognizing that there is a problem. The second is realizing that there may never be a cure; however, active recovery is possible. The third is

⁷⁰ Faris Malik, “Thesis: Eunuchs Are Gay Men,” www.well.com/user/aquarius/thesis.htm (accessed December 30, 2012), 2.

⁷¹ W. Maitre, “What Is Spiritual Formation,” [Studymode.com](http://www.studymode.com/essays/What-Is-Spiritual-Formation-719439.html). 06, 2011, <http://www.studymode.com/essays/What-Is-Spiritual-Formation-719439.html> (accessed December 30, 2012).

gaining knowledge about gay people, and the fourth is keeping communication and dialogue going.⁷²

In my opinion and in agreement with Hilton, the first act that UFC-NYC and other community's with issues must perform is to recognize/identify that there is a problem. Second, own the fact that the problem lies within the church and embrace the importance of acquiring the knowledge that can only be gained on a personal level through interaction/fellowship with this group. During one of the film and fellowship forums held, one of the clergy/leaders commented that she remembers when some of the transgender women were part of the Women's Ministry and now she feels that there are three groups; the men, the women and the transgender. She asked why we could not just do away with the Trans and go back to the two groups. Another responder said that she felt like we were all in this box of crayons and she did not understand why one of the crayons was now being taken out and examined. There were responses to both of these comments from individuals who identify as transgender. Although there appears to be a resistance to recognizing that there is a problem and owning the fact that educational and relational work must be done in order to address it. The last act must involve keeping a dialogue going with one another and I will argue that the latter cannot take place until the first and second have happened in order to ensure processional integrity.

Hilton describes the progression for recovering homophobes as moving from distaste for gay people, to tolerance, then cautiously opening to acceptance, and finally embracing affirmation. These stages remind me of those for death and dying and for grief, as described by Elizabeth Kübler-Ross, in *On Death & Dying*. Although this

⁷² Bruce Hilton, *Can Homophobia Be Cured? Wrestling with Questions That Challenge the Church* (Nashville, TN: Abingdon Press, 1992), 116-117.

recovery does not pertain to a person's death, it may refer to the loss or change in social identity for people who believe themselves to be in the dominant culture.

Another implication of Hilton, as I understand him, is that we may even have to agree to disagree. Hilton cites John Wesley's sermon "Catholic Spirit," in which Wesley said, "Though we cannot think alike, may we not love alike? May we not be of one heart though we are not of one opinion?"⁷³ Wesley's sermon reminds me of the instruction provided in John 13:34-35 NIV, which reads, "A new command I give you: Love one another. As I have loved you, so you must love one another. By this everyone will know that you are my disciples, if you love one another." Therefore, in order to support spiritual transformation, the UFC-NYC and other churches with this issue must embrace the essence of this passage with regard to all people, including transgenders.

Clergy and laity can benefit from recent hermeneutical methods to create a process for understanding the transgender experience. According to an extract from the *Blackwell Encyclopedia of Sociology Online*, three important areas on homophobia have emerged over the last thirty years, utilizing sophisticated psychological instruments, surveys, qualitative ethnographies, and interview studies that explore attitudes, feelings, and social practices that constitute homophobia. For example,

McDonald and Games' 30-item instrument, 'Modified Attitudes Toward Homosexuality' and Hudson and Rickett's 'Index of Homophobia', which uses a scale to measure reactions to homosexual individuals and situations, have become standard ways to assess homophobic attitudes and feelings in experimental studies.⁷⁴

⁷³ Hilton, 118.

⁷⁴ James J. Dean, "Homophobia." *Blackwell Encyclopedia of Sociology Online*. http://www.sociologyencyclopedia.com/public/tocnode?id=g9781405124331_yr2012_chunk_g978140512433114_ss1-42 (accessed December 27, 2012).

Some, if not all, of these methods could be used, to a greater or lesser degree depending on context, to identify prejudicial attitudes and feelings of both clergy and parishioners. Once those attitudes and feelings have been identified, Hilton's approach can be implemented to create awareness, educate, and integrate.

Finally, contemporary theologians offer a tremendous amount of important exegesis that can well serve the transgender population. In *Christology from the Margins*, Thomas Bohache suggests a "queer Christology," and he delineates how traditional theologies have excluded or contributed to the increased marginalization of many who struggle to believe and to be honest and comfortable regarding their sexual identity. There is a "Christophobia" among homosexuals as well, "the deep-seated feeling among many gays and lesbians that Jesus Christ is not an option for them, that he, as the embodied representative of God, hates them, and that they have no place in either Christ's Church or the kingdom of God."⁷⁵ In my opinion, this belief can also be held by spiritually focused and gifted transgender individuals. In fact, during a discussion which followed a film and fellowship forum at UFC-NYC one of the male-to-female transgenders advocated for staying in the closet and keeping one's mouth shut. She seemed preoccupied with the physical and stressed the importance of "passing," although I wonder if there is a deep-seated "Christophobia" in operation masked by environmental experiences of risk associated with individuals that do not transition well.

According to Bohache, all Christology originates in the story of Jesus of Nazareth, and "all Christology is interpretation – the intersection of the Jesus figure with one's theological sensibilities and social location."⁷⁶ Christology is more than just

⁷⁵ Thomas Bohache, *Christology from the Margins* (London: SCM Press, 2009), 178.

⁷⁶ *Ibid.*, 211.

recovering historical information in order to place a meaning on some data that go beyond space, time, and/or historical or social classification. A queer Christology will actually seek to identify what Jesus' "Christ-ness says to all of the marginalized people of all generations, including today's queer community."⁷⁷

In *Gifted by Otherness: Gay and Lesbian Christians in the Church*, William Countryman and M. R. Ritley suggest that "freedom happens when we finally face those of our own families, households, churches, congregations, the people we most love, and demand our freedom to go and worship God and become the people God intended."⁷⁸ M. R. Ritley also discusses how story and history are interrelated, the pain that is often associated with confronting identity, and how that pain is also felt in our faith community. Ritley uses the story of Moses to demonstrate that we are not asked to confront our enemies but those of our own household of faith, who may or may not hear God's voice saying, "Let my people go."⁷⁹

Robin Scroggs, in *The New Testament and Homosexuality*, suggests that we take a stand because he could not "consciously accept the view that makes biblical injunctions into necessarily eternal ethical truths, independent of the historical and cultural context."⁸⁰ He argues that the Christian homosexual community today and the model addressed by the New Testament have different contexts, and he thus concludes that the "biblical judgments against homosexuality are not relevant to today's debate," not

⁷⁷ Ibid., 213.

⁷⁸ L. William Countryman and M.R. Ritley, *Gifted by Otherness: Gay and Lesbian Christians in the Church* (Harrisburg, PA: Morehouse Publishing, 2001), 96.

⁷⁹ Countryman, 97.

⁸⁰ Robin Scroggs, *New Testament and Homosexuality* (Philadelphia: Augsburg Fortress, 1984), 123.

because the Bible is not authoritative but because it does not address the specific issues involved.⁸¹

A great deal of theological work has been done to seek to repair what have been misinterpretations, misunderstandings, and assumptions about biblical themes and their supporting passages that have been used against transgenders. But more needs to be done. Today's theologians must offer a "queer theology," as discussed by Bohache, who states, "'Queer' means to stir things up and even perhaps spoil them, in order not to settle for the easy answers of the status quo."⁸² It is interesting that accusations against the Other can be projections from the one making the accusation. For example, Michael S. Piazza, in *Holy Homosexuals: The Truth about Being Gay or Lesbian and Christian*, says that "homophobia has destroyed the family of many lesbian and gay people,"⁸³ despite homophobic accusations that it is the homosexuals and transgenders who are anti-family. Theologians must continue to offer biblical research findings from contextual exegesis that refuses to default to the status quo's need for comfortable assurance and easy answers in the absence of concrete data on a given topic. Theologians must offer an unapologetic road-map from homophobia to transformation.

I suggest that the themes that will serve the LGBTQ population must be inclusive.

Some biblical passages (NIV) that will serve this population are as follows:

- Galatians 3:26-29 For ye are all the children of God by faith in Christ Jesus. For as many of you as have been baptized into Christ have put on Christ. There is neither Jew nor Greek, there is neither bond nor free, there is neither Male nor Female: For ye are all one in Christ Jesus. And if ye be Christ's, then are ye Abraham's seed, and heirs according to the promise.

⁸¹ Scroggs, 127.

⁸² Bohache, 213.

⁸³ Michael S. Piazza, *Holy Homosexuals: The Truth about Being Gay and Christian* (Dallas: Sources of Hope, 1994), 92.

- Revelation 22:17b And the Spirit and the bride say, Come. And let him that heareth say, Come. And let him that is athirst come. And whosoever will, let him take the water of life freely.
- John 3:16 For God so loved the world, that he gave his only begotten Son, that whosoever believeth in him should not perish, but have everlasting life.
- John 13:34-35 A new command I give you: Love one another. As I have loved you, so you must love one another. By this everyone will know that you are my disciples, if you love one another.
- Matthew 7:1 Judge not, that ye be not judged.
- Acts 8:26-40 And the angel of the Lord spake unto Philip, saying, Arise, and go toward the south unto the way that goeth down from Jerusalem unto Gaza, which is desert.

And he arose and went: and, behold, a man of Ethiopia, an eunuch of great authority under Candace queen of the Ethiopians, who had the charge of all her treasure, and had come to Jerusalem for to worship,

Was returning, and sitting in his chariot read Esaias the prophet.

Then the Spirit said unto Philip, Go near, and join thyself to this chariot.

And Philip ran thither to him, and heard him read the prophet Esaias, and said, Understandest thou what thou readest?

And he said, How can I, except some man should guide me? And he desired Philip that he would come up and sit with him.

The place of the scripture which he read was this, He was led as a sheep to the slaughter; and like a lamb dumb before his shearer, so opened he not his mouth:

In his humiliation his judgment was taken away: and who shall declare his generation? for his life is taken from the earth.

And the eunuch answered Philip, and said, I pray thee, of whom speaketh the prophet this? of himself, or of some other man?

Then Philip opened his mouth, and began at the same scripture, and preached unto him Jesus.

And as they went on their way, they came unto a certain water: and the eunuch said, See, here is water; what doth hinder me to be baptized?

And Philip said, If thou believest with all thine heart, thou mayest. And he answered and said, I believe that Jesus Christ is the Son of God.

And he commanded the chariot to stand still: and they went down both into the water, both Philip and the eunuch; and he baptized him.

And when they were come up out of the water, the Spirit of the Lord caught away Philip, that the eunuch saw him no more: and he went on his way rejoicing.

But Philip was found at Azotus: and passing through he preached in all the cities, till he came to Caesarea.

- Acts 17:28 For in him we live, and move, and have our being; as certain also of your own poets have said, For we are also his offspring.

In addition to the above, the National Centers for Transgender Equality suggests “52

Things You Can Do for Transgender Equality,” as follows:

1. Take a Trans Person to Lunch
2. Ask your library to carry books that deal positively with trans people
3. Attend an anti-racism training and put into practice what you learn
4. Run for Office
5. Invite your mayor or other elected official to address a trans group or town meeting
6. Plan an Art Show of Works by Trans Artists
7. Create and publicize a calendar of local events and encourage people to attend them
8. Start an online community or a blog that deals with an issue that is important to you
9. Change the Policy of an Organization You Belong To
10. Donate money to an organization providing direct services for transgender people
11. Hold a workshop on how to effectively advocate for yourself when seeking medical care or therapy
12. Ask Your Local Film Festival to Show Trans Themed Movies and then Go See Them
13. Support the Day of Silence
14. Preach or speak at a local community of faith, such as a synagogue, church or mosque
15. Adopt a Highway
16. Hold a Trans Pride event in your community
17. March as a trans contingent in the Gay Pride Parade
18. Educate a local homeless shelter about how to be trans inclusive
19. Pass a non-discrimination ordinance in your community
20. Visit the offices of your congressional representative and educate them about trans issues
21. Start a local support or education group
22. Volunteer with an LGBT Advocacy group
23. Start a Speakers' Bureau
24. Break a Gender Rule
25. Make a Restroom More Accessible to Trans People
26. Locate Support Services
27. Collaborate with another group on a community project or social event.
28. Work to Pass a Nondiscrimination Policy at Your Workplace
29. Connect with PFLAG!

30. Write a regular column for a publication
31. Plan to Come out on National Coming Out Day on October 11
32. Register New Voters!
33. Fund Scholarships!
34. Programs for Youth
35. Get involved in the political process
36. Volunteer for a Candidate
37. Plan and conduct a Day of Remembrance event
38. Support or create a radio show or podcast
39. Hold a House Party for NCTE or another trans organization
40. Make Jails Safer for Trans People
41. Hold a Job Fair
42. Support a Drag Community Event
43. Engage Media Coverage of Transgender Issues
44. Conduct a Community Needs Assessment
45. Vote!
46. Start a discussion group on gender related books
47. Respond to Alerts from Other Organizations
48. Collect and share stories of discrimination
49. Set up a training in a hospital, nursing or medical school
50. Write an op-ed
51. Help an LGBT organization become more transgender friendly
52. Make a New Year's Resolution for Transgender Equality⁸⁴

Doctrine of UFC-NYC

For the Unity Fellowship of Christ Movement (UFCM), “founded in 1982 by Reverend Carl Bean for openly gay and lesbian African Americans,”⁸⁵ the doctrine of tradition represents a “living tradition” established upon the foundation of the Bible.

What does that mean? In *Christian Histories, Christian Traditioning: Rendering Accounts*, Dale T. Irvin cites a definition for tradition pointed out by Paul Tillich, as “a set of memories which are derived from one generation to the other.”⁸⁶ For Irvin, a living tradition “contains the seeds of change and even fosters the emergence of what is new.”⁸⁷

⁸⁴ National Center for Transgender Equality, “52 things You Can Do for Transgender Equality,” poster, <http://transequality.org/52things.html> (accessed December 30, 2012).

⁸⁵ History of UFCM/Unity Fellowship Church Movement, www.unityfellowshipchurch.org/mainsite/?page_id=20 (accessed January 2, 2013).

⁸⁶ Ibid.

⁸⁷ Dale T. Irvin, *Christian Histories, Christian Traditioning: Rendering Accounts* (Maryknoll, NY: Orbis Books, 1998), 28.

Furthermore, a living tradition is an intentional, ongoing, positive activity found wherever you have people in community who remember a past and embrace it as their own. Tradition is as much the work of the living as it is the work of those who have passed on.

Bill Denton claims that tradition and doctrine are often projected competitively or in conflict with one another. He argues that the primary message of the New Testament is that traditions can be dangerous and that great care must be taken when they are practiced. Although Denton states that traditions are not all bad, the danger exists when tradition replaces Bible-based doctrine.⁸⁸ I concur with Denton in that tradition and doctrine are often presented as an either-or; however, both are essential components of practicing a living tradition. In order to fully appreciate where we are, we must acknowledge where we have come from, as well as the lessons learned, and be open so that the new may evolve.

The doctrine of tradition for UFCM was established by its founder, Archbishop Carl Bean, who grew up in Baltimore, Maryland and who currently resides in Los Angeles, California. His experience with church and singing began at age three, when he attended a United Baptist Church with his mother and a neighbor.

In his book, *I Was Born This Way: A Gay Preacher's Journey Through Gospel Music, Disco Stardom, and a Ministry in Christ*, he states that, from the age of three to eleven, he was molested by a family member who threatened his life if he failed to remain silent. Bean had been taught to obey those who cared for him, and yet one of those raped him. Decades later, after he had become a minister, Rev. Bean was able to

⁸⁸ Bill Denton, "Traditions VS Doctrine #1," (sermon) <http://www.crossties.org/sermons/indiv/sermon19.pdf> (accessed January 2, 2013), 1-2.

talk about the abuse in a public forum. While preaching a sermon to his congregation, Rev. Bean encouraged them to take everything to Christ, to “give God your deepest truth, your deepest secrets, those that have been festering in your hearts for years...Let God take that suffering from you and lift that shame off your shoulders.”⁸⁹

The church exploded with screams that continued for about fifteen minutes. Some people passed out, while others struggled to stop crying as the silence was broken for dozens upon dozens who had maintained the secret that they had been told could not be given voice. Rev. Bean stated that he “had touched upon the great secret issue of our society.”⁹⁰

When asked whether his molestation shaped his sexuality, Rev. Bean replied that although the impact was deeply felt in many ways, his sexual orientation had already manifested itself prior to the abuse. As early as he could remember, he had had a natural desire to be female, which he did not share for fear that it would become a distraction to the goal and his vocation of serving others.

According to an article published by the *Los Angeles Sentinel* on August 12, 2010, Carl Bean relocated to New York City from a foster home in Maryland at the age of 17. Shortly after he arrived, he found a home in the churches of Harlem and began a singing career, first with the Alex Bradford Singers and later as a recording artist with Motown Records. In 1977, he recorded a #1 hit single, “I Was Born This Way.” Rev. Bean became “one of the first openly gay Black gospel singers signed to a major label – the biggest Black-owned record company at the time.”⁹¹

⁸⁹ Bean, *I Was Born This Way*, 20.

⁹⁰ *Ibid.*, 21.

⁹¹ Bean, “I Was Born This Way,” *Los Angeles Sentinel*, http://www.lasentinel.net/index.php?option=com_content&view=article&id=3694:carl-bean-i-was-born-

After his music career, Rev. Bean returned to Los Angeles only to find many news articles “describing an illness known back then as GRID, gay-related immune deficiency syndrome.”⁹² All of his experiences came together at this point, and he started the Minority AIDS Project (MAP), the first HIV/AIDS community-based organization with a focus on the increasing number of blacks contracting the virus. MAP continues to be headquartered in Los Angeles. “Today, MAP employs more than 44 full-time, part-time, and subcontracted bilingual staff and has over 200 volunteers to serve the needs of more than 1,200 clients living with HIV/AIDS per month. MAP also provides prevention services to over 12,000 individuals per year.”⁹³

According to Rev. Bean, MAP expanded as its message spread. At the same time, UFCM, needing a building, accepted an offer from “The Cockatoo Inn, a motel and lounge on Imperial Highway in Hawthorne, south of Watts, that had always been friendly to gays, to rent and hold services in their meeting room.”⁹⁴ The first public service was held on Easter Sunday in the presence of approximately twenty to twenty-five attendees, many of whom had the HIV virus. Rev. Bean preached, “We are here to reconcile God’s children to the love of Jesus Christ. God doesn’t care if you’re straight, gay, bi or transgendered. God contains everything. God is everything.”⁹⁵

That service was blessed with students of liberation theology, some of whom became Rev. Bean’s colleagues and went on to establish other churches under UFCM. The first Unity Fellowship Church satellite was established in 1992 by Rev. Zachary

this-way&catid=80&Itemid=170&tmpl=component&print=1&layout=default&page (accessed January 2, 2013).

⁹² Ibid.

⁹³ Ibid.

⁹⁴ Bean, 230.

⁹⁵ Bean, 239-240.

Jones, the Archbishop's first assistant pastor, who currently holds the position of Senior Bishop and covers Jurisdiction #2, which includes New York City, Buffalo, Detroit, and Rochester.

Sixteen churches comprise UFCM. They are located in Atlanta, Georgia; Baltimore, Maryland; Buffalo, New York; Charleston, South Carolina; Charlotte, North Carolina; Columbia, Maryland; Detroit, Michigan; Long Beach, California; Newark, New Jersey; New Brunswick, New Jersey; Brooklyn, New York; Philadelphia, Pennsylvania; Riverside/Inland Valley, California; Rochester, New York; San Diego, California; and Washington, DC. This project is being worked from Unity Fellowship of Christ Church New York City (UFC-NYC), located in Brooklyn, New York.

The theological position of UFCM, which has also been embraced by UFC-NYC, is as follows⁹⁶:

We believe God is Love and Love is for Everyone. It is impossible to love each other without a sense of mutual (equal) worth and respect for each other.
Romans 13:10 - Love worketh no ill to a neighbor. Therefore love is the fulfilling of the law.

1 John 4:20 - It is impossible to love God, whom we've never seen and hate our brothers and sisters who we see every day.

God is neither male nor female; God is spirit and spirit has no gender.

Liberation theology for all, a theology that frees the oppressed, therefore is:

- not a male dominated hierarchy
- not oppressive to women
- not just European in scope, and must relate to people of color and their various cultures around the world
- not oppressive to Lesbian, Gay, Transgender, and Bisexual people, and allows us to think and discern through human reason and experience
- not oppressive to Native Americans or their spirituality or any other oppressive use of scripture

We believe in the teachings of Jesus but we do not dismiss all other faiths and beliefs as wrong or second to our way of believing.

God is greater than any religion, denomination or school of thought.

⁹⁶ Unity Fellowship Church Movement, "What We Believe," www.unityfellowshipchurch.org/mainsite/?page_id-7 (accessed January 2, 2013).

God is spirit, alive and at work in the Moslem Mosque, the Jewish Synagogue, the Christian Church, and the Tribal ritual. God is everywhere present.

We believe the Bible and all great spiritual writings or guides must be read taking into consideration the times of the writings, the traditions practiced at the time and the fact that we have the right to question and examine all interpretation.

We believe a person's belief system:

- must be supportive of healthy self-acceptance
- must support spiritual growth
- Must encourage physical, psychic, and mental help

Enlightenment and revelation are continuous and did not stop with the bible writers.

UFC-NYC also includes the following statement on its website:

We believe in order to practice love we must be involved in the affairs of society, fight for social justice and provide for all according to need:

Feeding the hungry

Clothing the naked

Providing education

Visiting the sick and shut-in

Visiting the imprisoned

Housing the homeless

Protecting and preserving human, animal, plant, and marine life

Consoling the bereaved

Burying the dead and the many other ways that we might be of service to our human family.

The implications of my understanding of how Irvin's discourse about tradition applies to Rev. Bean's experience and the establishment of UFCM is that the living tradition of UFCM both contained and contains the seeds of change that are needed to break the silence and honor and celebrate sexuality. This living tradition can also foster the emergence of an environment conducive for the spiritual formation of transgenders.

In an article in the *Journal of Sex Education and Therapy*, Walter O. Bockting and Charles Cesaretti assert that transgender individuals are highly stigmatized for their gender nonconformance. They found that "in working clinically with transgender

individuals to combat shame and isolation and to facilitate their coming-out process, spiritual questions and experiences are common.”⁹⁷

Bockting and Cesaretti extend a call to break the silence that supports separation, rather than integration, of spirituality and mental health. They cite a belief, documented by the Surgeon General⁹⁸ that silence regarding sexuality (and, by inference, by members of the community of faith) can negatively impact the mental and spiritual growth of individuals and consequently our institutions. “The transgender person is marginalized, dehumanized, and stripped of history, while the institution suffers from the loss of experience and knowledge, unexamined concepts and attitudes, and inadequate or inappropriate skills to incorporate diversity and ambiguity.”⁹⁹ Such a loss is therefore experienced by both the individual and the institution and in my opinion is a barrier to transgender spiritual formation.

Bockting and Cesaretti describe how Father Empereur (*The Gift of Gay Spirituality in Spiritual Direction*,)¹⁰⁰ realized his role as breaking the silence that individuals have about themselves. A person’s reward of being present or “out” in the faith community is being able to share the gift of the spiritual journey that will allow that individual to experience humanity to a fuller extent. When that breakthrough occurs, gays, lesbians and transgenders will be able to focus on their issues as human beings and

⁹⁷ Walter O. Bockting and Charles Cesaretti, “Spirituality, Transgender Identity, and Coming Out,” *Journal of Sex Education and Therapy* 26, no. 4 (2001): 295.

⁹⁸ “The Surgeon General’s Call to Action to Promote Sexual Health and Responsible Sexual Behavior,” <http://www.surgeongeneral.gov/library/calls/sexualhealth/call.html>, June 8, 2001 (accessed January 2, 2013).

⁹⁹ Bockting and Cesaretti, 298.

¹⁰⁰ James L. Empereur, *The Gift of Gay Spirituality in Spiritual Direction* (New York: Continuum, 1999).

on the humanity they share with all people, rather than as gays and lesbians and transgenders.¹⁰¹

Bockting and Cesaretti also cite Countryman and Ritley (*Gifted By Otherness: Gay and Lesbian Christians in the Church*),¹⁰² who suggest that in order to help transgender persons deal with gender issues, identity, and coming out in a faith community, that the community must enter the struggle with them, transcending the limitations imposed by dualism, and join them in coming out.¹⁰³

Consequently, the doctrine of tradition or the theological position of UFC, which states that “God is Love and Love is for Everyone” does not present obstacles or hinder awareness in the church toward fostering spiritual formation in transgender persons. The very fact that the doctrine of tradition is based on God loving everyone, and that various biblical texts such as John 3:16 and 1 John 4:16 have been embraced in support of that doctrine, reflects inclusivity and represents a conduit to spiritual formation. Likewise, UFC’s theological position specifically declares belief in a liberation theology that is not oppressive to lesbian, gay, transgender, and bisexual people, and allows them to think and discern through human reason and experience. Whether this faith community has entered into the coming out process of transgenders such that the focus is a shared humanity rather than sexual identity, however, is unclear.

Many theological schools and voices bring new insights that call for renewed emphasis, explanation, or revision of the doctrine. All are resources that can help us understand and interpret the doctrine of tradition

¹⁰¹ Bockting and Cesaretti, 298.

¹⁰² Louis William Countryman, and M. R. Ritley, *Gifted by Otherness: Gay and Lesbian Christians in the Church* (Harrisburg, PA: Morehouse, 2001).

¹⁰³ Bockting and Cesaretti, 295.

1. The Vision Church of Atlanta, founded by Bishop O. C. Allen, on March 12, 2005, started with twelve people who shared the founder's "burden for the hurting, rejected and oppressed of Atlanta and the world."¹⁰⁴ For three months, these twelve met weekly for Bible study, and for training in ministry, leadership development, evangelism organization, street outreach and prayer. The first service was held on the first Sunday in June, and twenty new members were added to the church rolls. Within three months, the church grew to fifty members, and a larger meeting space was required. In one-and-a-half years, the membership reached 675, and by June 2007, membership exceeded 800.

Mission

The mission of the Vision Church is to equip God's people to achieve personal and corporate destiny. We do this by empowering people spiritually, emotionally, educationally, socially, economically, and politically. As a Christ-centered ministry, we are inclusive of all people, fully embracing in our lives and ministry people of every race, gender, culture, affectional orientation, family configuration, physical or mental condition, and all other distinctions which are the rich tapestry of God's creation.¹⁰⁵

Vision

The Vision Church is committed to a vision that transforms people to transform their world! We believe that the transformation of the community and the world begins with the transformation of our families and children. The Vision Church of Atlanta is a place where dreams are made possible and where people are motivated to turn those dreams into a reality.¹⁰⁶

2. United Progressive Pentecostal Church Fellowship (UPPC) is a global ministry under the umbrella of The Vision Church International. The purpose of UPPC is to provide a close association for pastors and teachers of the same mind, who

¹⁰⁴ Vision Church of Atlanta, "Our History," <http://www.thevisionchurch.org/our-history/> (accessed September 24, 2012), 1.

¹⁰⁵ Ibid., 1-2.

¹⁰⁶ Ibid., 2.

embrace the philosophy of the Vision Kingdom Agenda, “which is the visible manifestation of the comprehensive rule of God over every area of life as reflected in the individual, family, church and society.”¹⁰⁷ UPPC is a “kingdom-focused” fellowship, anchored in spiritual accountability and ministry nurturing, which seeks to provide its members with spiritual protection, practical biblical instruction, technical support, and skills for establishing churches and their outreach ministry.

The UPPC was born out of the coming together of traditional Pentecostalism and the progressive movement of the Holy Spirit, under the leadership of Pastor O. C. Allen of the Vision Church of Atlanta. The plan of UPPC is to transform the world through the individual, the church, and the community. The UPPC rests on “5 pillars” of faith or theological beliefs: (1) The name of Jesus is above every name; (2) Jesus Christ is head of the church; (3) God’s plan of salvation through Jesus Christ; (4) God’s call for Justice and Peace for ALL humanity and (5) God’s Inclusive Love in Jesus Christ.”¹⁰⁸

Further, the UPPC website reflects, “We believe that to be fully Christian, we must be fully welcoming to all God’s Children at the table to the Lord. Women, children, gays, lesbians, bisexuals, transgender, those with special needs and the least of these, have full acceptance into the complete life of the UPPC Fellowship.”¹⁰⁹

¹⁰⁷ United Progressive Pentecostal Church (UPPC), <http://www.nzodesigns.com/explore.html> (accessed September 24, 2012).

¹⁰⁸ Ibid., 1-2.

¹⁰⁹ Ibid., 3-4.

3. The Freedom Center for Social Justice (FCSJ), located in Charlotte, North Carolina, was founded by Reverend Tonyia M. Rawls, former Pastor of UFC-Charlotte. Rev. Rawls was elevated to the bishopric under UFCM on April 27, 2008. The Freedom Center was formed based on the observed needs of the poor, communities of color, gay, lesbian, bisexual, and transgender people, as well as those with low literacy levels. To address these needs, a tutoring and career development program for high school students was developed, followed by the opening of the FCSJ. The mission of the Center “is to enhance quality of life by increasing the number of healthy options and opportunities available to low income communities, communities of color, sexual minorities and youth. Our goals are to counter the effects of poverty and all forms of oppression as they impact the lives of those on the margins of society.”¹¹⁰

In July 2012, the National Center for Transgender Equality (NCTE) highlighted the Freedom Center for Social Justice as part of their Trans Advocate Spotlight Series for their community work and for “recognizing both the broader problems of discrimination and marginalization and the frequent alienation or rejection of transgender people of color from faith communities.”¹¹¹ They also highlighted the launching of the annual TransFaith in Color Conference, a racially, culturally, and spiritually diverse environment, then celebrating its third year, which welcomes transgender people from various faith communities and spiritual traditions. The TransFaith in Color Conference is a three-day event that

¹¹⁰ FCSJ – The Freedom Center for Social Justice – “Our Vision,” <http://www.fcsj.org/content/vision.php> (accessed September 24, 2012).

¹¹¹ National Center for Transgender Equality, “Trans Advocate Spotlight: Freedom Center for Social Justice,” <http://transgenderequality.wordpress.com/2012/07/06/trans-advocate> (accessed January 2, 2013).

features an opening luncheon, workshops, panel discussions, survey reports, PowerPoint presentations, a Mini Ball, a live performance, a TransFaith in Color Mass Choir, and a film.

FCSJ just announced that they will not be hosting a national conference until 2014, since the Transgender Faith and Action Network (TFAAN), an outgrowth of FCSJ, will be taking place around the country. The Network will provide greater opportunities for trans people of faith and allies to dream, build, expand, heal, and change culture within communities of faith throughout the world.

4. The General Theological Seminary of the Episcopal Church (GTS) – “Inclusivity at GTS also means special organizations for women, people of color, and GLBT students, and student-run ministries that provide clothing to the disadvantaged and a shelter for six homeless persons every weekday night.”¹¹²
5. New York Theological Seminary (NYTS) – “a diverse and inclusive community of learning with a historic urban focus.....equipped for diverse and inclusive partnerships in congregations, the city, and the world.”¹¹³
6. International Seminary For Interfaith Studies (ISIS) – “The new truth is that we are all connected...we are all one....we are all God/Universe/Source. The new truth is a process of re-memembering and re-experiencing who and what we are at our core...our true essence.”¹¹⁴

¹¹² General Theological Seminary, “GTS Today,” www.gts.edu/about-gts/gts-today (accessed January 3, 2012), 1.

¹¹³ New York Theological Seminary, “Mission & Vision,” <http://www.nyts.edu/about-nyts/mission-statement/> (accessed January 3, 2013), 1.

¹¹⁴ International Seminary for Interfaith Studies (ISIS), <http://www.isis.edu.org> (accessed January 3, 2013), 1.

7. The New Seminary for Interfaith Studies (TNS) – “We were founded to address the abiding religious intolerance and lack of understanding or unwillingness to understand the faith and cultural traditions of others at this time.”¹¹⁵
8. Union Theological Seminary In The City Of New York – “In recent history, Union has made a strong commitment to the diversification of the Seminary and its constituencies.”¹¹⁶

Each of these voices calls for renewed emphasis of what UFC-NYC calls its doctrine of tradition and addresses the issues identified by Archbishop Bean, Bocking and Cesaretti, Father Empereur, and Countryman and Ritley. It remains to be seen if a revision of that doctrine is required as society continues to evolve. (For a further list of welcoming churches and resources see Appendix B.)

UFC-NYC Spiritual Practices

UFC-NYC embraces spiritual practices that are, for the most part, the disciplines identified by Richard Foster in his book *Celebration of Discipline*. These practices include meditation, prayer, fasting, study, simplicity, solitude, submission, service, confession, worship, guidance, and celebration. The following discussion about UFC-NYC’s spiritual life and practices will examine each of these disciplines and how they are practiced and serve as conduits or barriers for transgender spiritual formation at UFC-NYC.

¹¹⁵ The New Seminary for Interfaith Studies / The New Seminary, www.new-seminary.com/?page_id=131 (accessed January 3, 2013), 1.

¹¹⁶ Union Theological Seminary, “History & Missions,” www.utsnyc.edu/about/history-mission (accessed January 3, 2013), 1.

Meditation

Meditation marks the beginning of each of the two UFC-NYC Sunday services, when one of the clergy leads the congregants through a guided meditation. At the beginning of this meditation, congregants are invited to come into the present moment. They can be, for example, invited to forget about the laundry that's waiting at home, the appointment that's scheduled for tomorrow, or what's happening in the lives of the people they love.

“One of the particular difficulties of meditation,” writes Dietrich Bonhoeffer “is that our thoughts are likely to wander and go their own way, toward other persons or to some events in our life.”¹¹⁷ Bonhoeffer believed that meditation is simply the ability to hear God's voice and obey God's word. At UFC-NYC, the fundamental assumptions guiding meditation include the belief that we are each fearfully and wonderfully made, created on purpose with a purpose, and that creation was pronounced good. Although we may make mistakes, we are not a mistake. Additionally, the importance of forgiving oneself as well as others is conveyed, which is in accordance with Foster, who writes, “Repentance and obedience are essential features in any biblical understanding of meditation.”¹¹⁸ In his book, Foster discusses both Eastern and Christian meditation, and based on that discussion,¹¹⁹ Unity's meditation is probably more closely related to Eastern forms for, although God is absolutely present on some level, the meditation invites the individual to become detached. This is more of an invitation to empty oneself in order to make more room for God on a conscious level. Although short periods of

¹¹⁷ Dietrich Bonhoeffer, *Life Together: The Classic Exploration of Faith in Community* (New York: HarperOne, 1978), 85.

¹¹⁸ Richard J. Foster, *Celebration of Discipline: The Path to Spiritual Growth* (San Francisco: HarperSanFrancisco, 1998), 15.

¹¹⁹ *Ibid.*, 21.

silence are incorporated, it is less threatening than complete silence because there is someone other than the self speaking.

Meditation at UFC-NYC reminds me of a description, found in Brother Lawrence's *The Practice of the Presence of God* of withdrawing and worshipping God in our hearts, that "inwardly returning to God in this way rids us of self-love without our even being aware of it."¹²⁰ UFC-NYC does not believe it is God's will that we do not love ourselves, and likewise, Brother Lawrence is not suggesting that the withdrawal should be forever but only from time to time in order to worship God within oneself and experience the comfort, pleasure, and peace that come from being in the presence of God. In its present form, meditation at UFC-NYC appears to serve as a conduit to transgender spiritual formation because it presumes that God will occupy any open space presented for filling by any individual.

Prayer

According to Foster, "To pray is to change. Prayer is the central avenue God uses to transform us."¹²¹ Prayer is a part of the beginning and closing of each UFC-NYC service, and prayer stations are located in an adjoining Fellowship Hall. Anyone who so desires may visit a prayer station at the end of each service and at special events. Each Tuesday evening, community prayer that is open to everyone provides an opportunity for the attendees to check in with each other so that they all may better understand what to pray for. "Where Christians want to live together under the Word of God," writes Bonhoeffer, "they may and they should pray together to God in their own words. They have common petitions, common thanks, common intercessions to bring to God, and they

¹²⁰ Brother Lawrence, *The Practice of the Presence of God*, ed. Hal M. Helms (Brewster, MA: Paraclete Press, 2010), 96.

¹²¹ Foster, 33.

should do so joyfully and confidently.”¹²² Sometimes some of the attendees are intimidated and say they don’t like praying aloud because they feel inadequate or they worry that they may not pray like others. Foster discusses the problems associated with making prayer too complicated and the importance of not waiting until we feel like praying to pray. In what may be a difficult passage, however, Foster also defines the God-created banks for sex as one man in marriage with one woman, for life. This does not allow for our same-gender loving congregants and marriages.¹²³ At UFC-NYC prayer opportunities may represent a conduit or a barrier depending upon the individuals understanding of the meaning of prayer and comfort level with praying aloud in community.

Fasting

At UFC-NYC, fasting or “giving up” something that one enjoys doing for spiritual purposes is very personal and is usually associated with Lent and Spiritual Renewal Week, usually held the week before Thanksgiving. Fasting may also happen based on a special call made to the congregation by the Bishop, for a specific purpose.

Study

According to Foster, study involves four steps: repetition, concentration, comprehension, and reflection. Furthermore, it involves humility. We must come humbly as “arrogance and a teachable spirit are mutually exclusive.”¹²⁴

Growing up in the Church of God in Christ, I was taught 2 Timothy 2:15 (KJV), which says, “Study to shew thyself approved unto God, a workman that needeth not to be ashamed, rightly dividing the word of truth.” However, we were taught what the word

¹²² Bonhoeffer, 62.

¹²³ Foster, 44.

¹²⁴ Foster, 66.

said more than we were allowed or encouraged to wrestle and practice the necessary discipline required for study.

In UFC-NYC, members are encouraged to study in seasonal classes for their spiritual development that are held for leadership, the deaconate, clergy, and for all individuals. Members are also encouraged to take on personal study in order to enhance their professional knowledge and skills. Those aspiring to be clergy are encouraged to attend seminary, a personal decision that might yield a greater harvest within the congregation if it were mandated for continued leadership. Over the last couple of years, the church has embraced the concepts provided by George Barna in *The Habits of Highly Effective Churches*, which was used as a text in classes for clergy and leadership along with the Bible and biblical supports. According to Barna, “Highly effective churches intentionally provide systematic theological education to all of their people.”¹²⁵ In its current form study may represent a barrier to transgender spiritual formation because there is no mechanism in place to identify where transgender individuals fall in regards to education and/or if additional supports/assistance is needed. Furthermore, some individuals who identify as transgender may not be forthcoming regarding literacy limitations.

Simplicity

Foster discusses a discipline of simplicity, that is, freedom from such things as status and position because they are no longer needed. He writes, “This discipline directly challenges our vested interests in an affluent life-style.”¹²⁶ The most important point being made is found in Matthew 6:25-33: that we should seek first the kingdom of God

¹²⁵ George Barna, *The Habits of Highly Effective Churches: Being Strategic in Your God-Given Ministry* (Ventura, CA: Regal, 2001), 131.

¹²⁶ Foster, 85.

and His righteousness and everything else will be added. I find that at UFC-NYC, the practice of simplicity has more of an implied meaning and is more of an ingredient of the messages given than a specific discussion or teaching.

Solitude

According to Foster, “Solitude is more of a state of mind and heart than it is a place,”¹²⁷ and internal solitude will yield an outward manifestation. Jesus experienced inward solitude during his ministry, and outward solitude when, among several examples, he spent forty days alone in the desert (Matthew 4:1-11); before he chose his disciples when he spent the night in the desert hills alone (Luke 6:12); when he heard that John the Baptist was dead and took a boat to a lonely place (Matthew 14:13); and when, after feeding the five thousand, he went up into the hills alone (Matthew 14:23). Bonhoeffer writes that if one cannot be alone, he should beware of community because he will do harm to both himself and community.¹²⁸ “Alone you stood before God when he called you; alone you had to answer that call; alone you had to struggle and pray; and alone you will die and give an account to God. You cannot escape from yourself; for God has singled you out.”¹²⁹ Bonhoeffer also stated the reverse, that if you are called to community then you were not called to be alone. So then, in fellowship we learn to “be” alone and only in aloneness do we learn to “live” in fellowship.

According to Foster, “The fruit of solitude is increased sensitivity and compassion for others.”¹³⁰ I have found that some members of UFC- NYC practice solitude and live well in community with others, but some do not. I concur with Bonhoeffer’s statement

¹²⁷ Foster, 96.

¹²⁸ Bonhoeffer, 77.

¹²⁹ Ibid.

¹³⁰ Foster, 108.

that many people look for fellowship because they are afraid to be alone. Further, Foster claims that one reason for seeking fellowship may be that people have had some bad experiences with themselves and seek help by associating with others. Foster asserts that this usually leads to disappointment because they are coming to fellowship for the wrong reason, and the distraction is only temporary.¹³¹

Submission

For UFC-NYC, submission is an interesting concept because it reminds many in the congregation about the oppression they experienced in their previous churches, where they were not honored for being who they were. Many were taught to submit to being in unloving and unwelcoming places and to accept this behavior because it was punishment for their being LGBTQ. Some heterosexual congregants have also experienced abuse under the guise of submission for being a person of color, a woman, pregnant out of wedlock, or for just being different. Some individuals that identify as transgender have also been told that they must submit to being tolerated and not accepted or to settling for whatever they can get because of who they are on the planet. Therefore, submission as defined through an individual's past experience often represents a barrier to transgender spiritual formation.

Actually, Foster begins his discourse on this discipline by saying, "Of all the spiritual disciplines none has been more abused than the Discipline of submission."¹³² According to Foster, religion has the ability to put people in bondage, and nothing has done this as much as deficient teaching about submission. The result has been either an embracing of the deformity that has resulted from the mutilation of biblical submission or

¹³¹ Ibid., 76.

¹³² Ibid., 110.

a complete rejection of biblical teaching. Foster discusses seven acts of submission that function at the same time as service: submission to the Triune God, to Scripture, to family, to the community of believers, to the broken and cast down, and to the world. He also discusses the conflict that we often experience when a person is in a position of authority but does not possess spiritual authority that comes from God.¹³³

I have found that an additional problem arises when an individual has been abused as a result of defective teaching about submission and cannot discern whether a person in authority has spiritual authority.

Service

According to Robert Schnase, “When churches turn inward, using all resources for their own survival and caring only for their own people, then spiritual vitality wanes.”¹³⁴ Service is one of UFC-NYC’s most widely practiced disciplines. Each month, UFC-NYC holds a Diabetes Support Group and an HIV Support Group (Monday evenings). Each week, UFC-NYC holds community prayer (Tuesday evenings) and a Narcotics Anonymous (NA) group (Wednesday evenings). UFC-NYC is one of the very few evening Food Pantry distribution sites in Brooklyn, New York and serves approximately 150 families on Thursday of each week. Additionally, weekly pastoral care calls are made to those who have not attended church for a while; the service of listening is ongoing. The difference between brotherly pastoral care and preaching, writes Bonhoeffer, is the obligation of listening. “Listening can be a greater service than

¹³³ Foster, 122.

¹³⁴ Robert Schnase, *Five Practices of Fruitful Congregations* (Nashville, TN: Abingdon Press, 2007), 83.

speaking,” he wrote, because there are so many people just looking for someone who will listen.¹³⁵

Foster discusses an important difference between choosing to be a servant and choosing to serve. “When we choose to serve, we are still in charge...But when we choose to be a servant, we give up the right to be in charge.”¹³⁶ I wonder how many people at UFC-NYC really understand or embrace that difference. Although in my opinion, UFC-NYC’s ministry of service has been and continues to be a conduit to Transgender Spiritual Formation. Foster explains that if one voluntarily chooses to be taken advantage of (usually a fear), then manipulation by the other is not possible because the right to be in charge has been surrendered.¹³⁷

Confession

Foster discusses confession as a corporate discipline and explains that it is both biblically supported as a private matter (1 Timothy 2:5) and is at the same time a corporate event as we are instructed to confess our sins to one another and pray for one another (James 5:16). Confession as a discipline is not necessarily openly encouraged at UFC-NYC. Confession, somewhat like submission, carries with it the pains of misuse and has often been used to access information that would later be held against a person. Confessing to God is one thing, but open confession in community is yet another.

Bonhoeffer points out that the ultimate breakthrough to fellowship happens when we can “have fellowship as the undevout, as sinners. The pious fellowship permits no one to be a sinner. So everybody must conceal his sin from himself and from the fellowship.

¹³⁵ Bonhoeffer, 97.

¹³⁶ Foster, 132.

¹³⁷ Foster, 112.

We dare not be sinners.”¹³⁸ Furthermore, Bonhoeffer states that some Christians then become horrified when it is discovered that a real sinner is among the righteous or, as I would call them, the self-righteous, and so, we are forced to remain alone with our sin and to live our lives in hypocrisy and lies because, in fact, we are all sinners.¹³⁹ I have witnessed this play out in church all of my life and even at UFC-NYC on some level. Although, sin is not a word often used at UFC-NYC because it has also been used as a hammer to injure, maim, and destroy hope in those who were struggling. But how can we embrace grace in the absence of acknowledging our sin? Although I do not believe that Jesus intended for us to struggle alone in our sins, how can we release them until we own them? This may represent a barrier to Transgender Spiritual Formation at UFC-NYC. If we cannot own our sin and need for grace then how will those who feel spiritually inferior and/or are struggling to embrace God’s unconditional love find freedom in this community?

Worship

UFC-NYC encourages worship in the various forms (prayer, praise, singing, preaching, music), although George Barna states that surveys given to adults who go to church indicate that, for various reasons, one-third have not experienced the presence of God. For example, many who attend church have no idea of what it means to worship or they have incorrect perceptions. Others do not describe worship as important in their lives, or they confuse religious activity and rituals for worship. Barna states that some pastors and leaders think that worship has taken place when the service runs smoothly and timely. Few associate the deeper responsibility of providing an environment for

¹³⁸ Bonhoeffer, 110.

¹³⁹ Ibid.

worship. Additionally, worship is often evaluated based on comfort levels and professionalism and not “as a time when people might address the huge gap between God’s holiness and our sinfulness.”¹⁴⁰

In the absence of knowing or being taught, congregants will not know how to worship and will not make it a priority or practice it as a discipline. According to Foster, “We have not worshipped the Lord until Spirit touches spirit,”¹⁴¹ that is, until the Spirit of God touches the human spirit. And although we enjoy the forms of worship, they can only lead us into worship, but they are secondary and not worship in themselves. Worship must have priority in our lives, and the only genuine worship leader is Jesus Christ. “Passionate Worship means an extraordinary eagerness to offer the best in worship, honoring God with excellence and with an unusual clarity about the purpose of connecting people to God,”¹⁴² Robert Schnase asserts in his book, *Five Practices of Fruitful Congregations* that passionate worship connects people to both God and one another and that when passion is missing, worship becomes dry and boring, lacking the Spirit.¹⁴³

Guidance

UFC-NYC practices the discipline of guidance as LGBTQ people of faith. According to Foster, “God led the children of Israel out of bondage as a people.”¹⁴⁴ In my opinion, Senior Bishop Zachary G. Jones is the spiritual director that Foster describes. However, Foster also discusses the dangers in corporate and individual guidance, such as manipulation and control by leaders. He states that hard-hearted and stubborn people can

¹⁴⁰ Barna, *Habits of Highly Effective Churches*, 86.

¹⁴¹ Foster, 158.

¹⁴² Schnase, 37.

¹⁴³ Ibid., 36.

¹⁴⁴ Foster, 176.

hinder leaders inspired by Spirit and we must always acknowledge that corporate guidance is limited by our fallibility and differences.¹⁴⁵

Celebration

UFC-NYC practices the discipline of celebration because its congregants have survived the many obstacles and challenges that life has presented, and they continue to grow. That alone is cause for a joyful spirit. According to Foster, “In the spiritual life only one thing will produce genuine joy, and that is obedience. Without obedience joy is hollow and artificial,”¹⁴⁶ and until transformation has taken place in our lives, we will not know genuine joy. Pumping up people with joy will not work if it is premature.¹⁴⁷ Foster also states that although we should be thankful at all times, we are not required to celebrate the presence of evil. We cannot really celebrate until we have learned to trust God and to be free of care. Paul, he explains, took it further in Philippians 4:8: that in addition to praying and trusting, we must intentionally think on good and excellent things, and that is the way that God has appointed for us to experience joy.

Henri J. M. Nouwen writes, “Celebrating is first of all the full affirmation of our present condition. With full consciousness we say: We are, we are here, we are now, and let it be that way.”¹⁴⁸ According to Nouwen, we cannot really celebrate until we are present in the present, which cannot be experienced as present until past can be remembered as past.¹⁴⁹

Taken together, Foster and Nouwen’s discourse about celebration implies that only after transformation has taken place are we able to experience the present because

¹⁴⁵ Ibid., 188.

¹⁴⁶ Ibid., 192.

¹⁴⁷ Ibid., 193.

¹⁴⁸ Henri Nouwen, *Creative Ministry* (Garden City, NY: Image Books, 1991), 96.

¹⁴⁹ Ibid., 97.

we have learned to remember the past as past. If we apply this idea to the aforementioned practices, it becomes clear why there appears to be such struggle in certain disciplines: the past is conflicting with the present, and transformation is either incomplete or the process has not begun.

With regard to rituals, the first Sunday of each month and when directed, UFC-NYC holds communion to remember the Lord's suffering and death and to celebrate the new life received with God and one another through Christ in the power of the Spirit. UFC-NYC also practices community baptism each year at Convocation, which is usually held in Los Angeles or another part of California where a Unity church is located. This baptism might include candidates from each of the sixteen churches and is held in a private pool. Baptism might also take place at UFC-NYC when new members are openly and officially accepted into the church after completing a series of nine classes. If a candidate wishes to be baptized during the new membership ceremony, baptism is done in the form of a sprinkling.

Convocation, held in early October each year or at what we call Mid-Year (usually held in May), also provides a national forum for ordination. Candidates are ordained from Deacon Candidacy to Deacon, Deacon to Minister, Minister to Reverend, Reverend to Pastor or Elder, and Elder to Bishop. This ritual always involves the laying on of hands by senior clergy, and the Archbishop officiates over the ordination.

The ritual of Bible study is addressed in various forums such as the New Membership Class, which provides a forum to read, search, and discuss biblical texts related to the topic chosen for the class. The Senior Bishop facilitates a Book-of-Book Series each year that runs from 6 to 8 weeks, during which time biblical passages or a

specific text are discussed to increase awareness and bring enlightenment to spiritual daily living principles. Spiritual Renewal, a week of teaching by the Senior Bishop, is also held annually, right before Thanksgiving. Reading and discussing the Bible are very much a part of this study. Each June, a week-long celebration of Unity in Community is held that includes an open forum called “Homosexuality and the Bible,” in which biblical passages that have been used to oppress LGBTQ people of faith are discussed.

Marriages are performed and funerals are officiated based upon spiritual principles. UFC-NYC celebrates the gifts of the Spirit and honors the spiritual gifts described in 1 Corinthians 12:8-10.

The spiritual disciplines in the context of UFC-NYC

Taking into account this discussion, which has identified the practices and rituals of UFC-NYC, it is not clear if any of them assist in creating an environment that enlightens clergy and laity specifically regarding the transgender spiritual journey. Each of them addresses the need of human beings to acknowledge the fact that the spirit must be fed just like the physical body, but in fact, none of these practices highlights any specific journey. Perhaps they shouldn't, since we are each walking the human experience. Whether that is sufficient remains to be seen. Further, in the discussion about homosexuality and the Bible held during the June event, and in the curriculum used to teach the New Membership Class, which includes three separate lessons on homosexuality and the Bible, I have noted that the UFC-NYC curriculum does not include specific information that would enlighten clergy, members, or new members about the transgender spiritual journey.

At least one spiritual practice is in need of recovery at UFC-NYC in order for the Transgender Ministry to thrive and for the level of awareness to increase, and that is in

the practice of solitude. Bonhoeffer states that some people may have a fear of being alone because of some bad experiences with themselves, and as a result, they try to address fear with fellowship. This usually leaves them disappointed.¹⁵⁰ Foster says that recovering the essence of solitude, however, would increase their sensitivity and compassion for others. This would also bring new freedom in fellowship, attentiveness to the needs of others, and responsiveness to their pain.¹⁵¹

Study and worship are in need of renewal. Romans 12:2 warns the Christian against conforming to the world but urges being “transformed” by renewing the mind instead, which will then enable one to discern the perfect will of God. I believe that study must become more systematic and less optional and that, in support of the Transgender Ministry, the curriculum should be updated to include information regarding not only the general LGBTQ topic but specific information regarding the transgender journey.

In his book, *In Search of the Church; New Testament Images for Tomorrow's Congregations*, Keith Russell discusses the practice of justice as it pertains to the criteria for congregational membership. According to Russell, “The issue of justice changes the conversation about congregational membership from one focused on what we do to one focused on what we are becoming.”¹⁵² He further states that when we look at this issue, difficult questions are raised because the issue highlights any bias that we might have as well as our attitude toward inclusion or exclusion or just whom our church includes and

¹⁵⁰ Bonhoeffer, 76.

¹⁵¹ Foster, 108.

¹⁵² Keith A. Russell, *In Search of the Church: New Testament Images for Tomorrow's Congregations* (Herndon, VA: Alban Institute, 1994), 33.

why.¹⁵³ In my opinion, the issue of justice is one that should be incorporated into all of the teaching curriculum.

Renewal is needed in worship because, although there is a sense of what worship looks like, there is a need for teaching the actual meaning. As Foster writes, congregants should understand that when we practice the presence of God, whether alone or in a group; when we prepare for it and willingly gather together, releasing our own agenda; when we can gratefully handle distractions; and when we can worship in spite of our feelings, especially when we don't feel like it — then we are engaging in worship.¹⁵⁴ As congregants grasp the essence of worship, the spiritual community, including the transgender community, will be enhanced.

I feel that two practices at UFC-NYC are in need of transformation: submission and confession. Both of these practices have probably been the source of tremendous pain, oppression, and unhealthy vulnerability for people on every journey. Foster states that submission and service go hand in hand¹⁵⁵ and I do not believe that you will ever have one without the other. However, teaching is needed to help some clergy and laity to “unlearn,” (which *Merriam-Webster* defines as “to put out of one’s knowledge or memory”),¹⁵⁶ some of the things they learned from some experiences. In other words, they must be reminded to forget so that they can come into the present for transformation to take place. This is essential to creating an environment that will support and create awareness of the transgender spiritual journey because it can also serve as a form of modeling for those who have gone through negative experiences as well.

¹⁵³ Ibid.

¹⁵⁴ Foster, 170-172.

¹⁵⁵ Foster, 121.

¹⁵⁶ *Merriam-Webster Dictionary*, s.v. “unlearn.” www.merriam-webster.com/dictionary/unlearn (accessed January 7, 2013).

With regard to confession, Aleksandr I. Solzhenitsyn (1918-1956) wrote in *The Gulag Archipelago*:¹⁵⁷

Gradually it was disclosed to me that the line separating good and evil passes not through states, nor between classes, nor between political parties either -- but right through every human heart -- and through all human hearts. This line shifts. Inside us, it oscillates with the years. And even within hearts overwhelmed by evil, one small bridgehead of good is retained. And even in the best of all hearts, there remains ... an unrooted small corner of evil.

Since then I have come to understand the truth of all the religions of the world: They struggle with the evil inside a human being (inside every human being). It is impossible to expel evil from the world in its entirety, but it is possible to constrict it within each person.

For me, this means that there will always be a reason to confess, and that, therefore, confession should not carry shame with it. To paraphrase Paul (Rom 7:21), when I would do the good, there is a struggle going on because evil is present with me. This represents the human condition and why there was a need for grace through redemption. Confession may be required for the oppression that the church has placed on transgenders to leave so that the church would not be forced to do the required work. The true purpose behind confession must be taught, realized, and embraced. Only then will we be able to create an environment of awareness where our congregants who identify as transgender can be supported.

So then, how do we create a community (a spiritual process) that includes spirituality practices and ensures inclusion of the transgender congregants? I believe that UFC-NYC already represents a community with spiritual practices that are conduits to transgender spiritual formation. I also believe, as discussed, that some of those practices require restoration, renewal, and transformation. However, the silence that rests in the

¹⁵⁷ Aleksandr I. Solzhenitsyn, www.goodreads.com/author/quotes/10420.Aleksandr_I_Solzhenitsyn (accessed January 7, 2013).

pews within the congregation regarding transgenders must be broken. Whereas some of the work that needs to be done rests with transgender congregants, the responsibility for creating an environment of spiritual community rests with the whole church. Then and only then will more individuals who identify as transgender find the church to be a safe place and embrace their spirituality to a greater extent. In the words of Ashley Moore, a transsexual mystic, “Once you reach the point of saying that who you are transcends your physical form, then you are immediately aware of yourself as a spiritual being.”¹⁵⁸

Justin Tanis lists the characteristics of “A Welcoming Community” as follows¹⁵⁹:

- Genuine hospitality
- Nondiscrimination policies and attitudes
- Appropriate and inclusive language
- The visible and audible presence of trans people and programs
- Provision of meaningful rituals to mark changes
- Outreach to trans groups and individuals
- Opportunities for the congregation to learn accurately about trans issues
- Rest rooms that the gender-variant can access

Addressing those practices that are in need of recovery, renewal, and transformation, along with the items from this list that require attention, should provide awareness, enlightenment, and a spiritual environment where individuals who identify as transgender will thrive in community.

¹⁵⁸ Leanne McCall Tigert and Maren C. Tirabassi, eds., *Transgendering Faith: Identity, Sexuality, and Spirituality* (Cleveland: Pilgrim Press, 2004), 110.

¹⁵⁹ Justin Tanis, *Trans-Gendered: Theology, Ministry, and Communities of Faith* (Cleveland: Pilgrim Press 2003), 122.

CHAPTER 4 THE TREATMENT

The Opening Survey

The Survey was created in response to two focus groups that were held: the first on November 18th, 2012 and the second on November 25, 2012. The group was comprised of one ordained transgender minister and three transgender congregants; one Latino transsexual male, born female; one African American transsexual male, born female; one African American transsexual female, born male; and one African American transgender female, born male. All members of the group were over the age of 45. Three members of the group admitted to attempting suicide and three are in recovery. The following five questions were asked:

1. How are you feeling spiritually as a transgender person of faith?
2. Are there any challenges you face in our church community as a transgender person of faith?
3. How does the ministry support you as a transgender person of faith, or not?
4. What is the greatest obstacle to your spiritual development?
5. What additional church supports do you believe would enhance your spiritual formation, if any?

Each group member expressed positive spiritual feelings as a transgender person of faith.

In regards to challenges faced, one member stated that she felt that there is discrimination within the LGBTQ church community. During the course of the discussion, it was stated that they often have to identify, explain, and defend themselves, or they are treated as invisible. One member stated that they are treated as a “novelty,”

while another said that she often feels overlooked and not included and wants someone to show an interest in her.

Everyone felt supported by UFC-NYC. The minister discussed his progression from being an usher to becoming an ordained minister, something that he never thought possible growing up as a Catholic. He also stated that his transition from female to male began and ended at Unity, which provided a supportive and nurturing community.

One member claimed that the greatest obstacle to his spiritual development is the result of the teachings that he received regarding homosexuality while growing up in the Pentecostal church. Another member believed that less offensive language is needed for better communication. One member made reference to a church retreat where one of the leaders referred to transgenders as “transgender or whatever.”

The group’s remarks identified that additional church support was needed to increase membership receptivity to individuals who identify as transgender that is, asking and not judging. The group also discussed the need for open forum discussions and workshops.

The initial/opening survey which will be referred to as T1 was developed with Dr. Juan Battle, Professor of Sociology, Public Health & Urban Education at the Graduate Center of the City University of New York (C.U.N.Y.) and was distributed at Unity Fellowship of Christ Church, NYC, 2578 Atlantic Avenue, Brooklyn, NY during the month of April 2013 (see Appendix C). Initially the project proposal reflected that a post-test or evaluation would be done on leaders and congregants as a whole, following certain activities, in order to identify if knowledge and understanding of the transgender journey and the importance of inclusivity increased. However, it was subsequently determined

that one community-based survey would have greater effectiveness because the sample population was the same, UFC-NYC.

During the first two weeks of the Survey distribution, a letter was read during the AM & PM Services explaining the project, informing the congregation of upcoming activities designed to inform, educate and enlighten them regarding the transgender journey, inviting them to participate in a strategic outreach team and asking them to take the Survey that day and turn it in to designated individuals. The Survey document was included in the weekly bulletin along with other pertinent information distributed each week. Site Team members assisted with collecting them at the end of each service as congregants departed. For the remaining weeks of the month congregants who had not been there earlier in the month were invited to participate by Site Team members and a follow-up blurb in the weekly bulletin.

The survey consisted of 10 questions which would identify status, gender, age grouping and other questions utilizing discrete, continuous and categorical variables. Congregants were asked to define transgenderism, whether or not they believe that transgenders are born that way, beliefs regarding some issues concerning transgenderism and whether or not they believe that the larger LGBT community is supportive of transgender people. They were also asked about the presence or absence of support of transgender people at UFC-NYC and if they have experienced anything that has raised their awareness in the past six months. At the end of April 2013, 110 Surveys had been collected.

Film and Fellowship Forums

An announcement regarding the first of four open-forum film and fellowships discussions was presented to the congregation following the opening survey. A sign-up

sheet was available in order to project the level of support and resources that would be required for the event. Ground rules were created and posted during each forum. Trivia questions were also developed and prizes were given for accuracy. Refreshments were served.

The first of four film and fellowship forums was held on May 4, 2013 from 12-3PM. During the opening a passionate welcome to this *journey of awareness* was extended and congregants were informed that this process would carry us through a series of four films. Pre-registration was requested and twenty-seven individuals signed up, with twenty nine attending. The film was entitled “Thy Will Be Done” – A film by Alice Dungan Bouvrie – A transsexual woman’s journey through family and faith. The documentary film follows a male-to-female transsexual’s journey to ordination in the Presbyterian Church. The film demonstrated how alternative lifestyles and choices can tear a family apart, only to reconnect it, differently, and closer than ever before.¹⁶⁰ It also highlighted an intersection where gender, family relationships and faith meet, as well as the pain and turmoil often encountered on the road.

It appeared that the film was well received and in my opinion was a catalyst in preparing the minds of those attending for stretching and opening in new and profound ways as the forums would continue. A fee for these forums would not be charged, however, after this first event, congregants began to volunteer to donate refreshments to the next fellowship.

The second forum was held on May 25, 2013 from 12-3 PM. Thirty-one congregants registered to attend, with thirty-four in attendance. The film was entitled

¹⁶⁰ *Thy Will Be Done: A Transsexual Woman’s Journey through Family and Faith*, directed by Alice Dungan Bouvrie, DVD (Mineral King Productions, 2011).

“Normal” – Love – Marriage – Family – Sex – Change. The film highlighted a devoted couple, living in rural Illinois who while celebrating their twenty-fifth anniversary are confronted by the husband’s acceptance that he is a woman trapped in a man’s body. His acceptance mandates change with rippling effects through their small churchgoing community, their friends, his coworkers, their children and their relationship. The definition and/or boundaries of “normal” are challenged and stretched far beyond the expected, to the sacred.¹⁶¹

After the film and the group reconvened there was passionate discussion concerning the quality of clergy support to this couple during the crisis; the perceived inequity in the administration of biblical counsel by the pastor; the underestimated support that can be gained from our youth; the value and importance of acceptance to the community and the manifestations of loss that can produce an unexpected experience of unconditional love. In addition, many of the attendees shared personal experiences concerning acceptance of their sexuality and some of their past experiences with family and friends.

The third forum was held on June 1, 2013 from 12-3 PM. Nineteen congregants registered and twenty-six attended. The film, entitled “Call Me Malcolm,” is a documentary feature about one man’s struggle with faith, love and gender identity. This documentary depicts a female-to-male journey which begins with Malcolm’s final year of seminary. He faces many uncertainties, economically, professionally, personally and with his family relationships which lead him on a journey of his own across the United States. He seeks out various perspectives on identity, faith and love, from a former teacher, the

¹⁶¹ Jane Anderson, *Normal: Love Marriage Family Sex Change*, directed by Jane Anderson, DVD (HBO Films, 2003).

parent of two-spirited person who was murdered while still in high school and several other individuals who transitioned with high publicity. Malcolm shares his reflections on his travels and their impact on his life with greater possibilities than previously anticipated.¹⁶²

The fellowship discussion was passionate and evoked many questions for some of the attendees. There was a request for the film to be shown again because it was stated that it was too rich to absorb all of the content in one viewing. Miriam transitioned to Malcolm and there was discussion around the fact that when an individual transitions, everyone is transformed on some level, and as one person expressed it, “I’m connected to Malcolm but sometimes I miss Miriam.” The issue concerning whether or not there is a different bias concerning ordination of transgender persons was also raised. There was also a request to see a film featuring more people of color.

The fourth and last film was shown on July 6, 2013 from 12-4 PM. There was some apprehension about the date due to the 4th of July weekend; however, the film remained on schedule. Twenty-six congregants registered to attend and thirty-six attended. The film was entitled “Trans” and included six stories about males and females and all the variations in between.¹⁶³ Additional time was allowed since this would be the last film and fellowship forum during this project and we wanted to give attendees ample time to process the material presented over the course of the last three months as they connected to this film.

There was much discussion following the film and some expressed sadness that the forums would not be continued at this time. One of the attendees also requested that

¹⁶² *Call Me Malcolm*, directed by Joe Parlegreco, DVD (United Church of Christ and Filmworks, 2004).

¹⁶³ *Trans: A Feature Documentary*, directed by Chris Arnold, DVD (SexSmartFilms, 2012).

forums be created to increase awareness regarding those who identify as being two-spirited. The attendees seemed somewhat overwhelmed by the additional information presented in this film, such as children who identify as transgender at a very young age and a male to female transsexual who actually fathered her own children. There also seemed to be an effort by some to hold on to the present attitudes and perspectives regarding those who identify as transgender. A couple of seasoned members stated that they never knew there was a problem and that they have always treated our transgender congregants with respect and honor. Another congregant stated that she had no problem as long as the individual fit into the men's ministry or the women's ministry. She did not discuss how we should treat those who do not identify in either of those ministries.

The film and fellowship forums also created a sacred space where congregants could intentionally come together with other congregants who identify as transgender to dialogue, share, ask questions, seek to understand and dispel myths and fears.

Transgender Fellowship Group (TFG)

On April 20, 2013, in response to an invitation extended to the congregation and to other organizations who support and advocate for transgender rights, the first Transgender Fellowship Support Meeting was held at UFC-NYC. There were six individuals in attendance, including one who had never attended the church before and was invited by one of the group members. The group decided for the time being that the monthly meetings to follow would be open to those identifying as transgender only. Meetings were subsequently held on May 11, 2013 (conference call), May 25, 2013, June 22, 2013, July 20, 2013, July 27th, 2013 (conference call) and August 10th (meeting of Fellowship Group and Site Team members).

The central focus of these meetings was fellowship and support. Initially the site team and I had projected that the group would produce a project; a play that would demonstrate their perception of the current communication and misconceptions within the congregation. However, as the group progressed and the project was presented to them to define, the group decided that they wanted to sponsor “A White Affair.” The group identified three goals that would express the purpose of the affair. The affair would bring the community together; provide a good time to those who attended and would present information and education, thereby increasing awareness. The group also suggested that there be food, dancing, public service announcements and entertainers. The theme would be “A Celebration of Our Trans Experiences” based on the fact that each of us has transitioned from some point in our lives to another, providing a basis for celebration.

This new plan was not met without opposition. The newly formed Transgender Fellowship Group (TFG) was not on the annual church calendar and there was an event on the calendar scheduled for the following week. Although the outreach was somewhat different another auxiliary took offense to this new addition to the calendar and proposed cancelling their event. It became a tense situation and along with prayer required tactful communication to convey the importance of being open to inclusivity on all levels. In the end, the second event was quite successful and relationships built during the struggle through the first event brought additional resources to the second.

There also appeared to be a tension between an older formed group, currently in existence, that included individuals who identify as transgender, as well as those identifying as two-spirited and queer. While this group has a mission statement and annual program activities, the work being done under the Transgender Spiritual

Formation Project seemed to represent some sense of threat to the viability of the other group. Discussion and meetings took place to ensure that leadership was informed and that the necessary actions were taken to ensure mutual connectivity between the groups.

The group proceeded with their decided project and divided responsibilities. A leader for this event emerged whose vision literally transformed the sanctuary into an all white room by using white satin curtains. The white curtains symbolized a new and fresh presence. I was informed that initially the plan was to remove the existing pink curtains and replace them with the white. The pink curtains are heavier and have covered us, warmed us, softened the hardness of the walls and have been a constant in the sanctuary for many years. They are symbolic of our history, of standing on the shoulders of those that have gone before, and the cushion provided by those shoulders. However, after working with the materials, it was decided that the pink curtains were valuable and needed to cushion and support the white ones. The process of connecting the new to the old took them approximately three days. We also covered each of the 125 chairs with white covers and along with the white snowflakes, white roses, white mints, white candles and balloons, the room was transformed. Along with the support of the site team and the congregation, a wonderful event was presented with approximately 125 attendees present (see Appendix E).

Each group member participated in the program and four individuals or organizations were recognized for their Social Justice Advocacy work in the transgender community. Trivia questions were strategically included in the program to teach and prizes were given as incentives. The group appeared very pleased with their efforts and the cooperation of the congregation. Additionally, at least half of the attendees were

visitors from other churches or organizations which were a positive indication of the degree of outreach which had taken place within the group.

The next Transgender Fellowship Meeting was held on September 28, 2013 and preceded a Transgender Health Day. The Health Day was not initially projected as part of the project proposal and actually surfaced when a clergy person who was working for a community organization who provides social justice advocacy for transgender persons asked if we would be willing to partner in the Health Day. (See Appendix F.) The Health Day featured a Clothing Give-A-Way, Makeovers, Music, Prayer Station and health providers. The guest speaker was Juli Grey-Owens, Transgender Community Advocate, who provided a mini workshop on transgenderism with statistics and current research findings. She also shared her personal story of her transition and offered words of encouragement to those attending.

The next Transgender Fellowship Group meeting was held on October 26, 2013 and included the presentation and discussion of the proposed fundraising event for November 7, 2014 – “Transgender Black Affair” which would include 1) Education – 3 video segments including children, teenagers and elder transgenders; 2) a formal dinner with music and 3) live performances. Those in attendance also agreed upon having a “Transgender Day of Remembrance at UFC-NYC on November 20, 2013 and a Holiday Meeting in December.

On November 20, 2013 a Transgender Day of Remembrance program was incorporated in UFC-NYC’s annual Spiritual Renewal Week. Members from the Transgender Fellowship Group read the names and narratives of transgender people who have been killed by others and whose deaths are thought to have been attributable to their

transgender status, from 1988 to present (see Appendix G). The last meeting of the Transgender Fellowship Group for 2013 took place on December 28, 2013, supported by the Site Team. The group reflected on the events of 2013, their individual journeys and plans for 2014.

Consent Forms were secured and recorded interviews were conducted with three of the TFG members and the following questions were asked:

Please state your name and relationship to UFC-NYC.

How did you come to attend the Monthly TFG meetings at UFC-NYC?

How do you define mutual connectivity and support within a group?

How have you experienced the TFG in relationship to connectivity and support?

How did you experience the White Affair?

What suggestions, if any, would you offer to improve on the monthly meetings?

In summary, one of the interviewees was invited to the first monthly meeting by another group member who she referred to as her aunt. The meeting was her first time visiting UFC-NYC. Mutual connectivity and support within a group was defined as a two-way street of feeling supported and heard; identifying as transgender with other transgender women, learning from each other and about other people's journey, as well as being able to respect one another on common ground – each one teach one. In relationship to connectivity and support, the TFG was experienced as filling a tremendous gap. One interviewee stated that prior to the project, he felt that transgenders were excluded from lesbians and gays in other ministries and were not visible. The project gave breath, life and visibility to a community that is often not heard. Another stated that she received a lot of support and networking through the project and another stated that she has enjoyed talking about herself and her journey and giving out information.

The White Affair was described as amazing, a coming-out party and a display of cohesiveness followed by breathtaking transformation, reflecting a sense of pride and “we.” One interviewee stated that she was “thrown back” by the number of people who came to support and who wore white. She also stated that there was just something about education; identifying allies and supporters and that the non-trans support was amazing. And even though there were some bumps, the next affair will be even better.

Each interviewee felt that additional actions are required to improve on monthly meetings. One person felt that the forum discussion in the film and fellowship forums needed more time. He had a real problem with the level of talking that went on during one of the films and felt that attendees must be encouraged to write down their questions and save them for the appropriate discussion time. He also felt that the group members must show pride in themselves by attending these meetings and that the group should remain closed, since the issues under discussion are transgender issues. Further, he stated that the project is the only thing in the church that has raised awareness because the “T” always gets dropped off. The other two interviewees stated that more outreach is needed to ensure greater retention and that perhaps an initial assessment should be completed when first-timers attend to identify a person’s availability and commitment to the group. One group member also stated that Transgender Sensitivity Training should be made available to UFC-NYC as well as other congregations.

Prior meeting evaluation forms (Appendix H) were completed by the group on 6/22/2013 and reflected that of the seven attendees, all felt that they were very engaged at the last meeting; one stated that too much time was spent on “non-related” discussion; most felt that fellowship, planning future events and safe space goals were met; each

enjoyed the meeting and two requested additional opportunities to get to know each other's journeys. These forms were not completed at subsequent meetings because they were either conference calls or the group ran out of time because they were so engaged in planning processes.

The project proposal projected that the number of transgenders in the church should increase by at least 5% throughout the duration of the project. Currently there are three new members that attend the group since its initial meeting in April 2013 which had five current members in attendance. There are now approximately ten actively participating.

In reach

On April 10th, 2013 a meeting was held with Senior Bishop Zachary G. Jones to review and discuss the New Membership Curriculum currently being used and to identify if any changes were needed to increase awareness pertaining to the Transgender journey, as well as scriptures that have been used to exclude individuals who identify as transgender from the family of God. One of the Reverends who oversee this curriculum was also invited to attend this meeting. The meeting included reviewing the current chapters which make up the nine lessons required for new membership. The lessons are as follows:

- History of Unity Fellowship Movement
- Theological Perspective of Unity Fellowship Movement
- Homosexuality and the Bible I
- Homosexuality and the Bible II
- Homosexuality and the Bible III
- Rededication to Spirituality
- Sexuality and Spirituality
- Tithes and Offerings
- Preparation for Stewardship

Senior Bishop stated that any update pertaining to transgenderism should flow behind the three lessons on homosexuality which require increased explanation on the objectives and focus of the classes. Senior Bishop stated that a discussion on the diversity of sexuality should be included in the curriculum and that he did not want to see a chapter on transgenderism because there is a greater issue at hand: social justice. Is sexuality God ordained and/or part of God's original plan could be a lead-in discussion to transgenderism and gender identity. If social justice is called for, where do we begin; what is it and how does it relieve human suffering? It will require conversation, education, moving people from where they are to where they need to be. Senior Bishop also requested that a discussion on human sexuality be included utilizing current material and references. Additionally, he stressed the importance of using clear language when identifying human suffering and offering suggestions for treatment and recommended using scriptures from Acts (The Ethiopian Eunuch). Senior Bishop stated that we are agents of change and the Bible does is not designed to answer every question of the human experience. Therefore, we have to own silence where the Bible is silent and cultivate guidelines around the scriptures that we use. Perhaps a 10th lesson is being called forth.

Four sermons were prepared and delivered to the congregation in support of the biblical basis for inclusivity. The first was delivered on March 3, 2013 during Women's History Month, entitled "Revival: What does this mean?" Scripture Reference Acts 2:1-12; 17-19. The Thought for the Week was a quote from Helen Keller, which states "What I am looking for is not out there; it is in me." The second sermon was delivered on April 28, 2013, entitled "Forward: Remember to Forget! The scripture reference was Isaiah

43:18-19. The Thought for the Week was taken from Andrew Harvey, *The Direct Path*, and states “One of the truths that all mystics recognize is that the Divine is looking for us with far greater intensity than we are looking for it; as the prophet Muhammad says in one of his sacred sayings: ‘Take one step toward God and God will take a thousand steps toward you.’ ...search sincerely for a higher vision, and the Divine will open for you a door into its, and your, essential truth; you will be given whatever is needed to invite you forward.” The third sermon was delivered on May 11, 2013, Mother’s Day and was entitled “Unexpected Justice.” The scripture reference was 1 Kings 3:16-28. The Thought for the Week was taken from Shoni Labowitz, *Miraculous Living* and states “Let go, release, relinquish, and stand ready to be filled by the Infinite Source. Emptiness is the way to God.” The fourth and final projected sermon was delivered on June 9, 2013 “Common Spirit Day” by a visiting Minister and trans-male, Minister Louis Mitchell, United Church of Christ, who spoke on “A Place at the Table for Everyone.”

At the end of the Transgender Day of Remembrance ceremony on November 20, 2013, a package was distributed to those in attendance which included a Fact Sheet; also included was the NYPD’s new patrol guidelines on dealing with transgender and gender non-conforming people; a list of unlawfully killed transgender people; 24-Hour hotline distributed by The New York City Anti-Violence Project; Know Your Rights – Transgender People and the Law, issued by American Civil Liberties Union; and Facts About Suicide issued by Transfaith Institute.

The proposal initially projected that monthly meetings with clergy and deaconate would be attended. A brief update on the project was provided at each clergy monthly meeting and at each Executive Leadership quarterly meeting held. However, only one

deaconate meeting was attended. Subsequently, it was determined that the deaconate were included in the survey population and were therefore already being educated via the Film and Fellowship forums. Attending these meetings to discuss the information they were already receiving could prove counterproductive. An overview of the project purpose was also presented at the Executive Leadership Retreat held in Stony Point, NY, during March 28-30, 2013.

Outreach Team

On April 15, 2013 the first TSFP Outreach Team Meeting was held, which included one volunteer from clergy, five from laity and, two from the Transgender Fellowship Group. The initial project proposal called for an outreach team to include at least four community organizations and/or churches in zip code 11207. Many attempts were made by site team members to contact and invite other congregations to this initiative. Responses were few and those received were not clear or secure in this initiative. One of the respondents stated that he is aware that individuals who identify as transgender do attend their church and they are treated just like everyone else. It was difficult to determine the full meaning of this statement, however, it sounded as if he might have been saying, we don't ask so they don't have to tell.

An initial Strategic Outreach assessment was distributed and reviewed with the group of nine volunteers who attended the first meeting to assist the volunteer in identifying areas of comfort and expertise as well as opportunities for growth (see Appendix I). Subsequent meetings and/or outreach activities were held or attended with a site team member, as follows:

- Trans Justice Meeting –May 15th, 2013 for Trans and Gender Non-Conforming People of Color and allies

- May 16th – Outreach team meeting with volunteers, which included assessment, goals and action plan for upcoming Pride Month (June) outreach activities.
- May 18, 2013 – Interview on The Living Life Aurora Show and discussed the TSF Project and UFC-NYC
- May 30th – Outreach team meeting with volunteers preparing for Pride month outreach activities.
- June 3, 2013 – Brooklyn Pride in partnership with Queer in Faith at Brooklyn Interfaith For All – Celebrating Pride 365 – One of three speakers (Appendix J)
- June 8, 2013 – Brooklyn Pride Parade – Manned a table and gave out flyers for the TFG monthly meetings
- June 13-15, 2013 – 12th Annual Philadelphia Trans-Health Conference – Members of the Transgender Fellowship Group, Common Spirit and site team members attended. (Appendix K)
- June 28, 2013 - 9th Annual Trans Day of Action for Social and Economic Justice (Appendix L)
- September 14, 2013 – Rashawn Brazell Outreach to the community. Rashawn Brazell was last seen on February 14, 2005 leaving his residence. On February 17, 2005 at approximately 3:00 A.M., a part of his dismembered body was recovered inside a large plastic bag in a subway tunnel at Nostrand Avenue station by a transit employee. To date, the responsible party/parties have not been apprehended.
- September 19, 2013 – Silberman School of Social Work at Hunter College. No More Invisibility: Our Transgender Community Who Are They And What Do They Have To Say? Community discussion with transgender brothers and sisters, which included one of the transgender congregants from UFC-NYC.
- September 24, 2013 – What the DOMA Decision Means For You: Family & Immigration LAW, sponsored by the LGBT bar association and held at the Brooklyn Community Pride Center. (Appendix M)
- October 24, 2013 – Outreach Meeting with volunteers to plan for November, December and January 2014 activities.
- October 28, 2013 – Visit to 75th Precinct which covers UFC-NYC; visit to Help Women's Center; Department of Homeless Services Family Shelter and the Atlantic Avenue Men's Shelter, all in the surrounding area of UFC-NYC to determine procedures for servicing transgender clients. A visit was also made to the Assembly Woman's office to discuss any services provided to constituents who identify as transgender in District 60. To date, a response has not been received.

The closing Survey which was the exact same survey administered in T1 will be known as T2 and was distributed at Unity Fellowship of Christ Church, NYC, 2578 Atlantic Avenue, Brooklyn, NY in the beginning of October 2013. Once again an invitation was included in the weekly announcements, the Survey document was included

in the weekly bulletin and Site Team Members assisted with collecting them at the end of Service. By the end of the month 111 Surveys had been collected. The data was then entered and analyzed for all continuous variables. A T-Test was also performed for all categorical variables and appropriate bivariate statistical analysis was performed. Chi-Square, Analysis of Variance (ANOVA) and T-Test were utilized in the analysis. The findings are as follows:

- Based on the analysis output the treatment had a positive effect from T1 to T2 on Questions 5 (Does the Mission Statement of UFC-NYC affirm transgenderism?), 6 (Are transgender people born that way?) and 9 (Is UFC-NYC supportive of transgender people?). However, the effect of the treatment was only statistically significant in Question 10 (Have you experienced anything in this church that has raised your awareness concerning transgender issues in the past six months?), and is approaching significance in Question 6. (Appendix N)

In my opinion the effect of the treatment was statistically significant in question 10 because of the treatment activity, which included 4 films of which 3 were documentaries, followed by open forum discussions. Several of the congregants who identify as transgender were consistently present at these forums, responding to questions and issues raised during the discussion. In regards to question 6 approaching significance, I believe that the treatment activity may have challenged some stereotypical myths that congregants believed to be true and are now questioning and/or changing their minds.

- The effect of the treatment between T1 and T2 had a statistically significant effect on Question 7b (Medicaid doesn't cover hormone injections) and 7c (Transgenders are allowed to marry). Nothing changed for 7d (Hate crimes can be committed against an individual, a group and or public/private property).

Based on the analysis output between T1 and T2 more people in T2 thought that in New York State Medicaid currently covers medical expenses. In fact, in New York State, Medicaid currently does not cover medical expenses related to transitioning. The treatment provided the attendees an opportunity to view the documented journeys of at

least three transgender people who underwent surgical procedures. However, the documentaries did not necessarily focus on the source funding of the surgeries. Therefore, in my opinion since the documentaries reflected a completed process and “happy ending,” it is likely that attendees did not take into consideration source funding and/or assumed that these expenses were covered. In the case of at least two of the documentaries, the transgenders appeared to be professional with the economic means and/or resources to cover the expenses of their procedures. However, in cases of economic deprivation, a transgender individual will not be able to afford to pay for the health services needed to complete the transition.

In regards to transgenders being allowed to marry, more people in T2 thought it was true than in T1. I believe this is the result of the treatment in that all three of the documentaries included transgenders who married after their transition. While the setting for each film was not necessarily in New York State, there may be a presumption. There has also been significant legislature in the news media since July 24, 2011 when same sex marriage became legal in the State of New York under the Marriage Equality Act and although congregants responded one way in T1, possibly because they had not applied the changes in law to the transgender population, the treatment coupled with a heightened awareness could account for this change in T2.

- Within T1 clergy responded statistically significantly different from members and others in regards to whether the LGBT community is supportive of transgender people.

Clergy may have responded differently because of their exposure to issues of discrimination that are reported to church leadership and which are often shared during specific forums. Some of the clergy also attend meetings with other LGBT organizations

outside of the church that advocate for transgender rights and have greater knowledge concerning what is and is not happening in the community.

- Within T2 there were two statistically significant differences in the continuous variables (Q5, Q6, Q7, Q8, Q9 and Q10) based on status (clergy, deaconate, member, other). Q7 concerning the percentage of transgender New Yorkers that have been homeless at one time reflects that clergy are different from members and others. Deacons are different from others. Q10 concerning whether in the past six months anything in the church has raised their awareness concerning transgender issues, clergy are different from deacons and others. Members are different from others.

Again, in my opinion clergy may have responded differently because of their exposure to information pertaining to homelessness trends. There is a food distribution ministry (pantry) which takes place on each Thursday evening. Many of the community members that frequent the pantry come from any one of the five shelters in walking distance of the church. Some of those members identify as transgender and openly share their housing challenges. This information might be shared at a clergy and/or deaconate meeting in order to inform and sensitize clergy (deaconate is considered the first line of clergy) to the needs of our community. This information might not be communicated to the membership unless associated with a specific need or incident. Therefore, clergy and deaconate would probably be more knowledgeable concerning the homelessness of transgender New Yorkers.

In regards to experiencing anything that has raised awareness concerning transgender issues in the last six months, clergy has probably had more exposure to all of the information shared in the treatment than any other group. Members who participated in the treatment would also have an expected advantage over others.

- Within T1 there was no statistically significant difference in Q5, Q6, Q7, Q8, Q9 or Q10, based on gender identity.

- Within T2 there was a statistically significant difference in Q8 (LGBT community supportive of transgenders) based on the gender identity. Q7 (% of homeless transgender New Yorkers) and Q9 (Is Unity supportive of transgender people) are both approaching significance.

In regards to whether or not the LGBT community is supportive of transgender people, there is a statistically significant difference between female and variant (transgender/female to male, transgender/male to female, queer, other). In my opinion this difference may be the result of how community support is defined by female versus gender variant individuals. A female who has been exposed to the treatment may define the very activity as evidence of support from the larger LGBT community. However, gender variant persons may possess a greater degree of experiential knowledge that extends far beyond the walls of the treatment, out to the larger community and society.

Differences are also approaching significance between male and female concerning the percentage of transgender New Yorkers that have been homeless at one time. This finding was not identified within T1; therefore, in my opinion it could be the result of the treatment and/or the differences between male and female beliefs concerning transgender homelessness.

Differences between variant and female are also approaching significance for Q9 (Is Unity supportive of transgender people) which could be the result of the differences between how female and gender variant persons define support as well as differences in the expectations that each brings to the Unity Church experience. It could also be the result or response to internal beliefs that were unearthed during the treatment and how they are now being interpreted.

- Within T1 there was no statistically significant difference in Q5, Q6, Q7, Q8, Q9 or Q10, based on age.

Although there are no statistically significant differences, Q7 and Q9 are approaching significance. Q7 (% of homeless transgender New Yorkers) is reflecting differences between Adult (25 to 50 years old) and Young (Less than 24 years old). In regards to the young, in a 2000 article in the *American Psychologist*, Jeffrey Arnett, a Professor in the Department of Psychology at Clark University in Massachusetts proposes a phase of the life plan, between adolescence and adulthood (ages 18 to 25) which he refers to as “emerging adulthood.” Emerging adulthood primarily applies to young adults in developed countries who do not have children, do not live in their own home, or do not have sufficient income to become fully independent in their early to late 20s. Jeffrey Arnett says during this period adolescents become more independent and explore various life possibilities. Emerging adulthood is a new demographic, is contentiously changing, and some believe that twenty-somethings have always struggled with “identity exploration, instability, self-focus, and feeling in-between.”¹⁶⁴

Additionally, combining the challenges that come with being an LGBT youth, which may have already included some experience of homelessness, we may find reasons why this question is moving towards significance. As opposed to youth, adults have most likely raised their children, live in their own home and have some means of consistent income with which to maintain independence. They might also possess significantly different beliefs concerning personal responsibility as it pertains to homelessness.

In regards to Q9 (Is Unity supportive of transgender people), differences between Adult and Older (51 years old or older) are also approaching significance. In my opinion, this may again be attributable to the difference in belief systems attached to how support

¹⁶⁴ Jeffrey Arnett, “Emerging Adulthood,” http://www.jeffreyarnett.com/EmerAdul_Chap1.pdf (accessed January 28, 2014).

is defined as well as expectations attached to what degree of support Unity is suppose to provide congregants.

- Within T2 there was no statistically significant difference in Q5, Q6, Q7, Q8, Q9 or Q10, based on age.

Although there are no statistically significant differences, Q10 (Have you experienced anything in this church that has raised your awareness concerning transgender issues in the past six months?), is approaching significance between older and young. This difference may be the result of accessibility to exposure to the treatment and/or openness to any experience that would raise awareness to transgender issues.

- Within T1 there was a statistically significant difference in categorical variable Q7b (In NYS, Medicaid currently does not cover medical expenses related to transitioning (e.g. hormone injections), based on status.

While only 36% of clergy felt that this statement was true, 88% of deacons felt that it was true. This could be the result of the treatment and/or it could be the result of increased awareness concerning transgender issues during the treatment period. This may also have been information that the deacons already knew prior to the treatment.

- Within T2 there was no statistically significant difference in categorical variables based on status.

In summary, the findings of this report have demonstrated that the treatment has yielded statistically significant differences in some areas between T1 and T2. In other areas, it is my belief that the treatment has challenged stereotypical myths and beliefs about transgender persons, increased awareness concerning challenges in transitioning, identified status and gender identity differences in response, as well as those that are

approaching significance, which indicates the potential for increased opportunities to heighten awareness and educate.

Recommendations

Unity Fellowship of Christ Church has been a social justice movement in operation for more than thirty years (21 years in New York City), actively serving the lesbian, gay, bi-sexual and transgender community. Despite a heightened level of awareness which comes from working with the transgender community for so long, this survey has revealed statistically significant changes between the treatment which took place between T1 and T2. Given these findings, for Unity and organizations with significant experience working with this population, I would recommend a continuation of the treatment, possibly incorporated into New Membership curriculum, leadership development, executive leadership quarterly meetings and clergy and deaconate meetings. In addition, as in the case of the Site Team which assisted in this project, I would recommend that at least one of the team members identify as transgender.

For those continuous variables that were approaching statistical significance, I recommend creating/developing additional opportunities to explore beliefs around the given question. For example, Q6 (Transgenders are born that way) is approaching significance. I would recommend creating a discussion forum and/or activity that would provide an opportunity for sharing beliefs, learning new information based on research and interaction with others who identify as transgender. Q8 (Is the larger LGBT community supportive of transgender people) is also approaching significance in regards to a difference in the continuous variables based on status. I would recommend bringing clergy and deaconate together in order to explore the basis of differences. These differences could become problematic if not identified since both clergy and the

deaconate serve the congregants. If not addressed, the congregants could receive mixed messages concerning what community support looks like in a social justice ministry. Q7 and Q9 continuous variables also indicated that they are approaching significance based on gender identity. I would recommend further activity to identify how gender identity impacts beliefs concerning homelessness, or not, and why females might be approaching statistical significance with males. Likewise, I would recommend further activity to determine how or why differences are approaching statistical significance between females and gender variant in regards to Unity's support of transgender people.

Q7 and Q9 reflect differences approaching statistical significance based on age. I would recommend exploring beliefs that may be related to age concerning transgender New Yorkers who have become homeless as well as differences concerning Unity's support of individuals who identify as transgender. I would also recommend identifying if there were reasons why there was a difference between older and young in regards to the experiences that raised awareness in the past six months. This could identify the need for supporting services for older adults or the need for some other issue resolution.

For organizations/congregations that have little or no experience working with transgender persons, I would recommend this treatment of film and forum discussions, as well as creating a safe space for transgender persons to form a group of their own, should they so desire.

CHAPTER 5 RENEWAL

“Do not conform to the pattern of this world, but be transformed by the renewing of your mind. Then you will be able to test and approve what God’s will is—his good, pleasing and perfect will.” Romans 12:2

In Matthew Henry’s *Commentary* he states that a renewing of the mind involves a change in the qualities of the soul which manifest in

new dispositions and inclinations, new sympathies and antipathies, the understanding enlightened, the conscience softened, the thoughts rectified; the will bowed to the will of God, and the affections made spiritual and heavenly: so that the man is not what he was – old things are passed away, all things are become new; he acts from new principles, by new rules, with new designs. The mind is the acting ruling part of us; so that the renewing of mind is the renewing of the whole man, for out of it are the issues of life, Proverbs 4:23.¹⁶⁵

At the onset of this project, I realized that in order for old things to pass away, I had to actively be willing to let them go; to release past thoughts or ways of thinking in order for transformation to take place. This scripture opens with a directive. However, I knew that I could not transform myself; that in order to me to approach this project with the openness of Christ’s unconditional love and acceptance that I had to embrace or take on the mind of Christ, as stated in 2 Corinthians 10:5. That would require that I acknowledge such things as doubt, fear and my own selfishness that in some instances had been handed down, learned and perpetuated in my own ministry. In other instances, I had embraced these things, as part of my conformance to this world and how that

¹⁶⁵ *Matthew Henry’s Commentary on the Whole Bible: Complete and Unabridged* (Peabody, MA: Hendrickson Publishers, 2008), 1781.

conformance served me. In order for me to challenge my level of competency while serving this project, and with the assistance of the Site Team insight, the following competencies were embraced for evaluation:

As a **Prophetic Agent**, I was required to show sensitivity to and/or empathy with victims of social injustice while demonstrating a willingness to embrace risk in order to create social change. Towards that end I volunteered at least 3 hours a week at Brooklyn Community Pride Center (BCPC) because they serve and advocate for the transgender community. BCPC has an LGBT*Q and Gender Non-Conforming Adult Support Group that meets the 2nd and 4th Thursday of each month, although I was informed that the group is open only to those who identify as such.

My duties included telephone outreach to open and affirming churches in the Borough of Brooklyn, to inform them about Queer in Faith (QIF), a monthly conversation with Brooklyn's faith leaders which meets the second Tuesday of the month, and invite them to the meeting.

“Queer in Faith is a coalition of faith leaders in partnership with Brooklyn Community Pride Center with a mission to empower people to practice personal faith and provide a spiritual sanctuary for LGBTQ individuals to celebrate their faith. The coalition would also provide resources and support to faith communities for interfaith discussions, forums and services with a focus on LGBTQ spiritual issues.”¹⁶⁶

Prior to volunteering at BCPC, I had attended a couple of meetings with QIF that had taken place prior to BCPC's move to 4 Metrotech Center, Brooklyn, NY. During one of those meetings I was asked to be one of the speakers for the Brooklyn Pride Interfaith Service that took place on June 3, 2013, kicking off Brooklyn Pride Week. The Interfaith Service provided a wonderful opportunity for interfaith fellowship between UFC-NYC

¹⁶⁶ <http://www.lgbtbrooklyn.org/queer-in-faith> (accessed 1/3/2014).

and other denominations and an opportunity to speak openly about needed changes. I have continued attending QIF meetings and have also watched the meetings change from many attending to three remaining members as it continues to evolve.

Volunteering at BCPC gave me an opportunity to assist in the day-to-day workings of a community pride center and to understand on yet another level the impact that can be made when we truly engage another and invite them into a process.

On June 13-15, 2013, along with three members of the Site Team, I attended the 12th Annual Philadelphia Trans-Health Conference at the Pennsylvania Convention Center, Philadelphia, PA. My first amazing discovery at the Convention was finding out that there were more than 3,000 persons in attendance. There were more than 250 workshops, exhibitors and vendors, youth programs; ages 0-4; 4-10; 10-13; age 13+ (which had its own track) and adults. There was also a Spiritual Opportunities track which I took advantage of, with a couple of deviations. Workshops ran each day from 10AM to approximately 8:30 PM. There were several receptions and Off-Site Events.

I attended a workshop on Criminal Injustice & Deportation System which addressed the frequency in on-the-street and in-your-home police stop or arrest of transgender and gender non-conforming (TGNC) people who are very often persons of color; disproportionate incidence of homelessness; arrest/summons/lock-up; prostitution-related arrests; arraignment; warrants; jail/prison-overview and general tips on immigration detention. Additional information and discussion addressed Eunuchs: History of the Transsexual Woman of Color; Systems of Inequality: Poverty & Homelessness & Criminal Justice. Follow up contact information was also provided for the Sylvia Rivera Law Project and LGBT & AIDS project, ACLU.

I attended a workshop on “Queries for Trans Inclusion” which addressed the presence or absence of support from within the walls of the faith community. This was an open forum discussion with other faith leaders which included a discussion on: 1) Moving beyond Inclusion to Celebration; 2) Paving the Way for Spiritual Transformation; 3) Supporting Outside the Walls of the Faith Community, which included Building Community and Supporting Social Action. (Appendix O)

The conference was an amazing opportunity for us to meet and fellowship with individuals who identify as transgender from all over the world and to show sensitivity and empathy for their experienced social injustices. It also provided me with information and insight towards understanding some of the changes that may be required in order to bring about needed social change. And yes, those changes may involve some perceived risks to our norms.

Upon returning from the Health Conference I enrolled in a Transfaith Suicide Prevention Course presented by the TransFaith Institute. This 4-session online course was led by an experienced facilitator and provided the following:

- Understand the significance of suicide in transgender communities,
- Talk about suicide in safe and accurate ways,
- Recognize someone at risk for suicide,
- Be prepared to respond appropriately to anyone who may be suicidal, as well as survivors who may be at risk,
- Identify strategies and resources that nurture resilience in transgender communities,
- Know about the importance of self-care in order to counteract secondary trauma

Upon completion of the 4-session training, on 9/21/2013 I received a Certificate of Course Completion for meeting all the requirements of the one-hour Question, Persuade, Respond (QPR) Suicide Prevention Gatekeeper program. *The Role of Faith*

Communities in Suicide Prevention: A Guidebook for Faith Leaders by Timothy Doty, Psy.D. and Sally Spencer-Thomas, Psy.D., MNM was also provided in the course material.

On June 28, 2013 I attended and participated in the 9th Annual Trans Day of Action on the 44th Anniversary of the 1969 Stonewall Riots, along with one site team member. This event would prove to be both an enlightening and self-reflective experience. This activity included a rally and a march which took place from 2-5 PM.

TransJustice is a political group for Trans and Gender Non Conforming People of Color (TGNC POC), which works to educate, agitate, and mobilize the community and allies on pressing political issues faced by this group. TransJustice falls under the umbrella of the Audre Lorde Project, a Lesbian, Gay, Bisexual, Trans, Two Spirit, and Gender Non-Conforming People of Color Community Organizing Center based out of New York City. The points of unity which held together the purpose of the march are as follows:

- Demand for an end to profiling, harassment and brutality at the hands of the police.
- Demand justice for the many TGNC POC who have been beaten, assaulted, raped and murdered yet these incidents continue to be silenced or misclassified.
- Demand for access to restrooms without fear of harassment or brutality.
- Demand for the full legalization of all immigrants.
- Solidarity with all prisoners, especially the many TGNC POC behind the walls.
- Opposition to the US “War on Terrorism”
- Demand for accessible, respectful and comprehensive health care.
- Demand for safety while utilizing public transportation.
- Demand that all people receiving public assistance is treated with respect and dignity.
- Demand access to respectful and safe housing.
- Demand that TGNC POC have equal access to employment and education opportunities.

I arrived at Pier 45 at approximately 2:30 PM and observed a large crowd of approximately 250-300 people gathered with signs and banners and colors and flowers and other items that would be carried during the march. As I proceeded to the end of the Pier, I observed a large tent and audio equipment for the microphones which were being used. There were also greeters with a bow tied around their arm that made eye contact, smiled and welcomed me as I walked past. As I came closer to the Pier I could hear someone talking about their experience in the microphone and another interpreting in Spanish. There were several individuals who were called on to give testimony and to declare what is being demanded. One of them was an immigrant who lost her job when it was discovered that she was transgender. Another person spoke about her experience of trying to use the restroom and how she was suspect because she identifies as a Trans female.

At a certain point I identified one of the men, who happens to be an HIV activist from our church. He came over, hugged me and informed me that another one of our members who identifies as a transgender female was there with her job and that she had told him that I was there. At this point I had not put on my clergy collar. I was contemplating if it was necessary. I wasn't sure if it would create a barrier or symbolize alliance. I was also struggling with perceived risk because there were so many people at the rally. I noticed that a couple of people looked at me and then at the collar and I wondered what it represented to them. Part of me just wanted to "be" in solidarity with them but the collar might require that I not only "be" but that I do. I finally decided that I came there as a clergy person, in alliance with the outcry against injustice and my purpose was greater than my fear of the unknown or what was at stake. I realized that my

action(s) on this divinely ordered day in the history of my life would be important to the development of my prophetic voice. I had to purposefully claim my willingness to embrace risk in order to create social change. That “Day of Action” was on a greater level a day of action and owning of my call to social justice ministry.

Shortly after putting on my collar, the individual who identifies as a Trans female from our church came over and spoke, as well as another young lady in the group that I had not seen at church in some time. She hugged me warmly and said “My Pastor.” Her acknowledgement warmed my heart and quieted the guilt I felt over not remembering her name. My heart was filled with gratitude over the privilege of being there as a pastor, as her pastor, and as an ally of this group. I was humbly grateful that I had followed Spirit and had given this event, these individuals and this issue the priority place in my schedule that it required.

After several testimonies we were directed to line up; endorsers first, followed by allies. I considered myself to be an ally, although our church had not officially endorsed as such in the appropriate window or completed the necessary groundwork to determine what that entailed. I felt somewhat ashamed that I did not feel connected enough to any group to join and march with them. However, I saw a young lady from a group who I remembered from their past membership affiliation with our church and she was welcoming. She was part of Audre Lorde and she invited me to march with them or to feel free to just start marching because we were all marching together. That placed me at ease and so I proceeded to the back of the line with the other allies. At that point I came upon a young woman who was holding up a sign in Spanish. She introduced herself as “C”, smiled and said, “I don’t know what this says”. It was made by one of the people at

our organization and I'd like to honor them by carrying it. Someone overheard her statement and interpreted the sign to read "I am a Trans woman and I am proud of my body". She then asked me if I minded if she walked along with me and I responded that I would be honored.

As we proceeded to march from the Pier, we began chanting in a call and response manner. "Whose streets? Our streets!" There were other chants that I do not recall at this time. We proceeded on a long walk around a designated area, with police escort; sometimes in the street and sometimes walking on the sidewalk. At a certain point I was joined by one of the members of the Site Team and she began to walk with me and C and at a certain point we arrived at the Stonewall Inn. We paused to reflect and remember this establishment and the important part it played in the beginning of the LBGT movement. As I explained to C, this incident was so important because it was the time when they finally said "no". Enough is enough and this time we're not going to take it; we're going to fight back.

The march was wonderful and the energy and attitude of the marchers towards one another was a joyous camaraderie. C is a young, 23 year old senior from Penn State with a wonderful mind and the potential to change the world. I was also moved by some parents who were marching with a sign that said, "We're proud of our trans daughter." I can only imagine their journey to this place in time, and yet perhaps it did not involve what I think it involved. I must also admit that I felt a little nervous every time someone with a press tag came by. If they captured my picture, my family might see it, my job might see it and although my family knows who I am and I have shared my life with a few friends at work, this was part of my private life. And yet somehow the line was

becoming blurred as I increasingly embraced my call to greater authenticity and transparency in my life as an advocate and champion for social justice. My struggle to keep them separate was being called into question by my integrity and the ethical standards that I am striving to achieve. Clearly this event demonstrated to me that my social justice voice and way of being in the world may not always afford me the luxury of picking and choosing when I will be visible or vocal and when I will not. And yet sometimes the cost or what my mind imagines will be the cost of authenticity or transparency is somewhat frightening at my age, at version 6.1.

Eventually, we marched back to the Pier. By that time I was very thirsty and exhausted, as I had already worked that day until 2:00. I stopped to rest as we entered the Pier and one of the site team members who had joined us during the march gave me some water. We sat there and talked a while and then I proceeded back to Sheridan Square for an outreach service held each year by our church on pride Friday evening. As I was leaving the Pier a man approached me and asked what church I went to. I told him and then gave him a Pom card. A woman sitting next to him also asked for one and I informed them that we would welcome there visit and be happy to have them. I later saw them at the outreach service in the square.

On September 14, 2013, I attended and participated in the “Rashawn Brazell Outreach.” This outreach is in response to the killing of a young man who was also dismembered and left in the Nostrand Avenue train station in 2005. Since the responsible person(s) have not been brought to justice to date, several years ago our church took on this outreach as a way of keeping the injustice alive and in the minds of the community. This outreach had been assigned to one of the ministers and I had not created the

availability to attend until this date. I was one of the three who attended and after joining in a short prayer we each took the posters and placards that had been provided by the local precinct to distribute. As I walked up and down Fulton Street and Nostrand Avenue, I wasn't sure how comfortable I would be with this outreach especially since I had not previously participated. On another level I was still sitting with the tragedy of it and had not previously been this close to the subject. There were several interactions that I shall not forget, as follows:

- After passing out a card to a man who was passing by, a few seconds later he tapped me on the shoulder and said, "They haven't caught anybody yet?" I replied, no, not yet, and he shook his head.
- After passing out cards to two men who were talking in the street, one of them took the card and while glancing at the picture said, "Yes, I remember this. It must be about ten years now. It happened right over there at Nostrand Avenue and what they did to him was terrible. They cut him up." The other man looked up at us and said "What did he do?" I asked him, what could any of us ever do to deserve that? The other one repeated my response and looked at me and said, "Well, thanks for doing what you're doing; keeping hope alive." I thanked him and bid them both a good day.
- I approached a young man and an older woman and asked them if I could share some information and they smiled and took the card. The young man asked me if this was my son, because he kind of looked like me. I told him that he was not, that I do have a son and that it could have been my son. They nodded in agreement. At that point it dawned on me that I was a mother with a son just like the mother of that handsome young man in the picture. At that point I felt tremendous compassion for that mother and what she must be experiencing.
- I approached another woman and she took the placard and asked me what it was about. I explained to her that a young man was viciously killed about eight years ago and the murder remains unsolved. She looked directly at me and said "Justice will prevail!" She then thanked me for the information.
- I approached a man and a woman in uniforms. They appeared to be performing some type of street cleaning and I offered them the card. One said "no thanks" as he looked at my clergy collar. I then informed them the cards were not about a church; the card is about a justice issue. The woman then looked at me and said "Oh yes, then I'll take one and the young man reached out for one as well.
- I approached another man and offered him a card and he smiled and said, "I knew him. I went to school with his sister. It's a shame that it remains unsolved." I said to him, yes it does but justice will prevail. He smiled and nodded his head in agreement.

There were many people who declined accepting the placards. Sometimes it felt like it was because of my clergy collar because some of them looked at it before looking at the card. They may have assumed that if a clergy person is walking up and down the street giving out information that it must be related to his/her church. I also observed a visible change in their countenance when I mentioned the word “justice.”

On September 14, 2013 I also visited a site under the umbrella of the Bowery Residents’ Committee (BRC) located up the street from UFC-NYC. I was greeted by a receptionist and asked if there was a special procedure for servicing individuals that identify as transgender. She responded that currently they do not have any individuals that identify as such at this time; however, they are welcome because they do not discriminate. She also informed me that special accommodations are made if the client requests them, such as relates to the bathroom or their bedroom.

On 10/28/2013, I met with a Community Affairs Police Officer at the 75th Precinct, located at 1000 Sutter Avenue, Brooklyn, NY with one of the site team members, to determine if they had a standard policy for the treatment of individuals who identify as transgender. We were informed that anything to do with these individuals is treated with sensitivity. We were also informed that when individuals who identify as transgender are arrested they are housed based on their genitalia. For safety precautions, they may be placed in a separate holding cell, but the cell will still be in an area based on their genitalia. We were subsequently connected with a Sergeant assigned to the LGBT Community Affairs who informed us that there has been an update to the Police Patrol Guide, dated June 11, 2012 which has mandated that training be provided to all new officers. She stated that based on the new guidelines, discrimination, harassment or

belittling comments to individuals that identify as transgender is defined and prohibited. Officers are no longer allowed to conduct searches in order to determine a person's sex. Additionally, individuals in police custody are now allowed to choose the gender of the officer that will search them and be placed in a cell with members of the gender they represent. An Information Sheet reflecting this information was distributed at the Transgender Day of Remembrance held at the church on November 20, 2013.

We also visited the following shelters in the surrounding community of the church to determine if they have a standard procedure for dealing with individuals who identify as transgender:

- Help Women's Center, 116 Williams Avenue, Brooklyn, NY - Without discussion we were referred to Department of Homeless Services (DHS), Office of Client Advocacy, 33 Beaver Street, 20th floor, New York, NY 10004. An inquiry was submitted online and a response was not received;
- DHS, 25 Junius Street, Brooklyn, NY – We were referred to the main office located at 151 E. 155th Street where referrals originate. We were informed that there are no individuals or families with individuals who identify as transgender at their facility.
- Atlantic Avenue Men's Shelter – We spoke with a supervisor who stated that they do service individuals who identify as transgender at their facility, however they identify. And although it is a men's facility, if an individual identifies as female and they are comfortable with the facility, they are serviced. Although there are no special procedures used for these individuals. Everyone is treated the same.

As an **Ecumenist**, required to gain knowledge and appreciation of other denominations, confessional, cultural and/or religious traditions and have a willingness and ability to foster dialogue and understanding across denominational, confessional, cultural and religious lines, I visited the Shambhala Meditation Center of New York, on 10/1/2013 and the Fifteenth Street Meeting of the Religious Society of Friends (Quakers) on 12/29/2013.

The Shambhala Meditation Center of New York is located at 118 W. 22nd Street, 6th floor, New York, NY 10011, www.nyshambhala.org. The Shambhala Meditation Center offers a class in the practice of mediation (Shambhala or “peaceful abiding”) which according to the handout is part of a precious 2,500 year old tradition handed down from generation to generation since the time of the Buddha. The practice invites the learner to place attention on the sensation of breathing, relaxing and settling in with the freshness of the mind in the present moment.

The Center also offers classes in “Meditation in Everyday Life:” “Shambhala Training Level 1” - a series of weekend meditation workshops designed to provide a strong foundation in mindfulness-awareness meditation practice, emphasizing the development of genuineness, confidence, humor and dignity with the intricacies of daily life; a “Weekly Dharma Gathering,” which I attended as an open house and introduction to the Shambhala Buddhist teachings and an opportunity to connect with other practitioners. Upon entering there was a requested donation of at least \$10.00 (\$5.00 for students). Attendees were also asked to remove their shoes before entering into a meeting room and upon exiting there was a table with recommended readings for sale.

The evening began with a period of meditation, which was followed by discussion/questions and answers, followed by a reception. By the time the opening meditation began I observed that there were approximately 200-250 people present. I also observed that as certain persons entered they bowed before an altar as an initial honoring of the space, oneself and the surrounding environment. The speaker for the evening was Ethan Nichtern, author of *One City* and the subject of the talk was “Spiritual Materialism” a term coined in 1960/70 by a Tibetan founder. According to the speaker, spiritual materialism refers to the superficial spiritual, emotional and ethical states and has to do with objectifying emotional states. The speaker also discussed a philosophical system or particular world view that existed in ancient India which stated that “Experience is entirely physical.” It also stated that we operate from deep view about why we feel that way/who we are (worthiness to be alive) and that meditation facilitates consciousness.

The speaker also discussed the “Hardships of impermanence” which becomes important when you accept that there must be something interacting with what you are experiencing. He also stated that the three Lords/tiers/levels of materialism are Body/Form (how we objectify physical objects. We want our home to be comfortable. Reality makes condition phenomenon subject to delay.); Speech (How we objectify ideas/ideology as a way to feel safe.); and Mind (realm of thought, heart, emotion. You don’t really want to challenge yourself.)

On 12/29/2013, I visited the Fifteenth Street Friends’ Meeting (Quakers) located at 15 Rutherford Place, New York, NY, accompanied by a site team member. Upon entering we were greeted by one of the leaders who invited us to proceed into the meeting

room for the Meeting for Worship. The meeting would begin at 9:30 AM for one hour and would be followed by a reception.

According to an information handout prepared by the Ministry and Worship Committee, April 2004 (Appendix P), the Fifteenth Street Meeting is called “unprogrammed worship” or “waiting worship,” based on the belief that God’s own Spirit will guide the group in how best to give God due worship. They don’t plan any ceremonies or rituals or prepare any hymns, sermons, readings or prayers. They just come together in silence and wait for the moving of the Holy Spirit.

At about 10:00 AM, there were approximately 20 persons in attendance. The lights were never turned on. At a certain point, one of the women in attendance stood up and said a few words. There was no response and no one followed. At 10:30 a man stood up and shook the hand of the women who initially greeted us, signaling a close to the meeting and the lights were turned on. At that point announcements were made and first time visitors were given an opportunity to introduce themselves and the meeting was then closed. We were informed that there were envelopes in the lobby for contributions and we were invited to the coffee hour.

According to the Welcome pamphlet, also provided by the Ministry and Worship Committee, Quakers began as Christians who went against the Church of England during the 17th century. Not all Friends consider themselves Christians today. Although many experience the spirit as inner light or the spirit of truth, they may not believe in God. Quakers do not advocate belief in a creed because they believe that truth cannot be fixed once and for all with a few words. They believe that it must be sought afresh as it applies

to their lives. Fifteenth Street Meeting includes people with a wide range of beliefs who are united in their experience of the spiritual benefit of their practice.

The initial proposal projected that three denominations would be visited, however, due to the time required for other activities; there was insufficient time for a third visit. Additionally, a 3 to 5 page paper that would identify and discuss similarities and differences was not prepared due to time constraints and personal responsibilities that required priority consideration.

There were however similarities in the initial opening at the Shambhala Meditation Center and at the Fifteenth Street Meeting. In the case of both meetings, there was an honoring of spiritual benefits gained in silence. For the Buddhist it was defined as an honoring of the space and for the Friends it was an honoring of the silence and waiting. In my opinion both faiths draw on the God within, who will direct and speak while we are waiting. I am reminded of Psalm 46:10 which states “He says, ‘Be still, and know that I am God; I will be exalted among the nations, I will be exalted in the earth.’” And in a society that is uncomfortable and challenges silence; in a city that never sleeps, I believe that there are some spiritual insights we will only receive in our stillness and/or silence. There was also a clear start and finish time honored during both visits.

I also interviewed Rev. Gale Jones, Pastor of Long Island Community Fellowship, who is committed to the spiritual formation of LGBTQ persons, for information that I might use as a resource for my personal ministry and personal development. She shared the following insights with me –

- She talked about how resistant some congregants are to letting go of the past and the way they used to do things. While attempting to implement something new, a

congregant asked her why they couldn't just go back to doing it the way they used to do it. She responded that when she came to the church there were 15 members; now there are 50.

- She stressed the importance of being attuned to Spirit such that you will know how to pick your battles. There is a time to give instruction/direction and a time to listen and when you are attuned to Spirit and Spirit says “shut up and listen, you will do just that.”
- She said that she has to keep reminding the congregation, which she took over approximately three years ago, that this is not LGBT organization, it is a church. And if they are not living their life after the model of Christ's life on earth, that it doesn't matter what things they are doing. She said that one of the members recently told her that it is starting to feel like a church.

I honor Rev. Jones words of wisdom and will use them as a resource in my personal ministry and spiritual development to assist me in “waiting” on the Lord and as a reminder of the importance and power of operating through spiritual discernment.

In order to gain skills as a **Professional** in limiting the workload to what is doable, develop the ability to say “no” when warranted, increase my ability to establish concrete and realistic goals and increase practice of self care I took the following actions:

- I attended a yoga class while attending the Trans Health Conference, June 14, 2013. Due to respiratory challenges I learned at that time that yoga would not be the best form of self-care exercise for me.
- In an effort to explore other alternatives for self-care on September 6, 2013 I had my first experience with acupuncture. The acupuncturist was

actually the Opening Keynote Speaker at the Philadelphia Trans-Health Conference, Geleni Fontaine, cooperative member and practitioner at Third Root Community Health Center, a worker-run holistic health care center providing transformative, accessible, and empowering care to LGBT, people of color, and all communities in Flatbush, Brooklyn. She is a graduate of the Swedish Institute School of Acupuncture and Oriental Medicine and a registered nurse with a public health and HIV-Counseling background. Although I found acupuncture helpful, after a couple of sessions I decided that I wanted to try massage therapy, which has proven to be highly effective in my self-care. I am committed to continuing to provide myself with this necessary care at least quarterly.

- After completing the reading of *Rest in the Storm: Self-Care Strategies for Clergy and Other Caregivers* by Kirk Byron and *The Spiritual Leader's Guide to Self-Care* by Rochelle Melander and Harold Eppley, I prepared and delivered a workshop on self-care to clergy and leaders. An evaluation was administered and feedback indicated that the information provided was beneficial to self-care. An evaluation has also been submitted from the Site Team, based on their observations of my ability to maintain limitations on my workload.

Renewal has been for me a process of releasing, replacing and receiving the new. The experiences and actions that I took during the evaluation of these competencies have changed my life forever. Sometimes the releasing was of myself; giving myself away to transparency and vulnerability. Sometimes I was led to replace things which I didn't even

realize no longer served me until I was faced with the replacement. Receiving new information was both a blessing and a call to greater accountability to God; to myself and those I serve. I realize that I would not be open to transformation, which I believe only comes from God, had I not been open to renewal. And I believe that my mind is renewed morning by morning as I embrace each new day with expectation.

CHAPTER 6 TRANSFORMATION

I Know I've Been Changed

The process of my transformation began when I accepted the calling to this journey after opening my mind, body and spirit to renewal. It compelled me; frightened me and even excited me, as I knew deep down in my soul that a change was coming that was beyond my expectations. I thought that I was prepared to give myself away; that is the self that I was aware of and was comfortable with. And yet, I knew that I was being called to higher ground, which might possibly reveal to me a disclaimed self, one that I had hidden out of the fear of being judged and rejected again.

Webster's New World Dictionary defines the word "transform" as a verb or action word, meaning "to change (something) completely and usually in a good way." The purpose of the Transgender Spiritual Formation Project (TSFP) was to explore conduits and barriers to transgender spiritual formation at UFC-NYC and implement a process that would enhance spiritual development and foster increased mutual connectivity and support within this group and the church community. Over the duration of the TSFP, I observed many things change in what I choose to believe was a good way. However, I will only assume authority to apply the word "transformation" to describe my own process.

Initial actions required that I select a team of individuals that would support me in completing the project goals. Identifying competent, professional, willing and creative

people in my life was not a difficult task. My challenge came in actually opening myself up to these individuals and allowing them to view my insecurity with a topic and process that I knew little if anything about and then trusting them to catch me if and when I leaned back and let go. I had already wrestled with accepting the call to this project and felt inept and unqualified to usher in awareness for a group that has been and continues to be discriminated against and even violated by the world and on some level the church. I also needed them in a way that I have tried not to need anyone in a very long time. I needed them to be present; to be honest and to be consistent. I needed them to point out clearly and unapologetically their observations as we walked the journey together, in the project process, in our church fellowships and in me. To my surprise, each brought more than the expected strength and insight, at just the right time, and on several occasions humbled me by their commitment and service to the process.

The process of bringing awareness during the Film and Forum Fellowships was life-changing and humbling. I was amazed by those who began the journey through the four-film series to the end; who embraced and called out the pink elephant of separatism in the room and in our behavior and mindset and even became vulnerable in sharing their own painful experiences and questions. And as this unfolded before my eyes, I felt like I imagine Moses might have felt, captured in Exodus 4:13, when he said “Lord, please! Send anyone else.” I can imagine that Moses felt that stepping out front would in fact put him on display for the world to judge his faults, past and present; his limitations; his fears and imperfection. And even though I hadn’t been commissioned to address Pharaoh to demand that God’s people be let go, on another level I was being commissioned to speak for this underserved group; not as one of them but as one with and for them. Each time I

witnessed Spirit moving during the forums; breaking down the walls and setting people free I wrestled with why God would choose me. And yet, why wouldn't God choose me?

The treatment process that produced statistically significant findings was also a wonderful gift and renewing benefit to UFC-NYC. I knew that my mind was being renewed and that I was replacing old ways of thinking with the new information. I suspected that the same process may have been taking place with others and this was confirmed by the survey findings. UFC-NYC has been challenging social justice issues for 21 years, which includes injustices against individuals who identify as transgender. The treatment confirmed that given an effective treatment process, improvement is possible even in an already functional group. Based on my understanding of a discussion with Professor Juan Battle, PhD, project statistician and site team member, if the treatment can produce any level of statistically significant findings in an organization that is already well acquainted with the issues, then the possibility of bringing about an even greater level of awareness in a mainline or more traditional church is highly probable.

The information and experiences gained from the Philadelphia Trans Health Conference; 9th Annual Trans Day of Action for Social and Economic Justice; Brooklyn Community Pride Center; The Shambhala Meditation Center of New York; Fifteenth Street Meeting of the Religious Society of Friends; Suicide Prevention Course; each Transgender Fellowship Group Meeting at UFC-NYC; and each Film and Fellowship Forum have increased my knowledge and understanding of the journey of individuals who identify as transgender. This increase in knowledge has progressively renewed my mind and facilitated my continuing transformation.

I am also reminded of an epiphany that I experienced following attendance at a Community discussion on “No More Invisibility: Our Transgender Community – Who Are They and What Do They Have to Say?” – held at Silberman School of Social Work at Hunter College. The issue under discussion was visibility; how individuals who identify as transgender elect to be seen as transgender or not. One of the panelists said “There are no degrees of womanhood.” This statement reminded me of something that I experienced many years ago. I was part of a team charged with selecting and coaching theme speakers for Women’s History Month. One of the candidates identified as transgender and I remember struggling with some feelings around whether or not I believed that this individual could represent the women. I was ashamed of my struggle so I did not share it and ultimately decided just to go along with the majority rule. Subsequently that woman and I developed a very loving and close sisterly relationship. As I heard this woman’s statement about degrees of womanhood, I realized and celebrated how far I had come from my need to be separate. I have also come to believe that being a woman is not restricted to biology but actually includes and consumes our mind, body and spirit. My mind was renewed through releasing old and limited definitions and replacing them with the new.

The first Monthly Transgender Fellowship Group (TFG) Meeting also provided a learning experience and a gift that I shall not forget. I had mixed feelings about being at the group meeting because I do not identify as transgender and yet I was in charge of the project and starting the group was one of the strategies towards one of the goals of the project. April 20, 2013 was the first official meeting, held at 2578 Atlantic Avenue, 11-1PM. Prior meetings fell under the “Focus Group” category and flyers were sent to The

Center and another Long Island program, as well as announced in the church bulletin about this meeting. I wasn't sure how the group would feel about calling it a "support group" and I didn't think that that was my call to make and so I labeled it a "fellowship group" with plans to bring the issue up at the meeting and let the group decide how the group should be named. Prior to the meeting starting and as others gathered there was some initial general conversation about surgical procedures and health insurance requirements that would ensure coverage and protect doctors going on.

The meeting started with the blessing of the refreshment that had been prepared and the group was presented with a tentative agenda. They were also informed that they were not locked into the tentative agenda and could decide otherwise. There were six people present at the meeting, including one person who had never visited UFC-NYC before and one person who had not been in church in a while. After refreshments, each person talked about their week, pressing issues, and what was going on in their life at the time. The new person shared that she had started her transition at age 18 and she is now age 32. Another person chimed in that she had started her transition at age 15, before puberty had been completed, and that's why she transitioned so well. Another talked about her plans to transition and her years of drug and alcohol abuse that she used to numb the pain of her struggle with sexual identity. She also shared about suicidal periods.

One of the ministers of UFC-NYC talked about his transition and the challenges he faced with his mother. He shared how she seemed to be able to handle him being gay but did not want him to undergo a surgical transition. She and other family members also struggled with accepting him as male. He also talked about how much it bothers him when someone refers to him as female and how he tried to explain to his mother that she

places him at risk in public when she refers to him as her, especially since his appearance is masculine. He said he had no tolerance for those kinds of mistakes from UFC-NYC. One of those in attendance sat quietly for the most part and would only interject every now and then. She interjected when the minister talked about being placed at risk. She said that she talked to her best friend about the same thing, since she has known her from grade school and that she had to stress how dangerous it could be for her if she calls her the male name given to her at birth in public.

The group also talked about the “loss” that some family members appear to experience when their loved one undergoes a surgical transition. After some discussion the group agreed that it’s almost impossible to teach people not to experience loss, when that is in fact what they are feeling. The group also decided that until further notice, only individuals identifying as transgender would be welcome to join the group.

When it was my turn to check in I began to talk about my journey; born to a Pentecostal minister and wife, the third daughter, and that I remained in my father’s church for over 40 years. I talked about my marriage that ended after almost 19 years and six children, my second marriage, and then the turn that my life took when I entered a same-gender loving relationship. I shared that I was told that this was unacceptable; an abomination and possibly even the result of having a reprobate mind. I talked about an overload that occurred that manifested in an asthma attack that took me through the intensive care unit and the crossroad that I came to after recovery. At a certain point one of the members said, “Your life isn’t that different from ours.” I smiled and gazed at her in amazement. At that point, a person who had been relatively quiet said, “We knew who we were from very early ages but you moved from one place to a completely different

place. That must have really been hard.” When she made that statement I felt that the invisible wall of difference that I perceived existed disappeared. We were each God’s children struggling to find our way in our human experience. I shared with them that at some points I didn’t think I would/could survive the transition...but I did. Several of the group members thanked me for embracing this project and for shining the light on what has been for them a dark place for a very long time.

The “White Affair,” embraced by the Transgender Fellowship Group as the vehicle for this project that would enhance their spiritual development was also a powerful teaching event. It was more than inclusion; it was celebration. And yet, personalities, perfectionism, ego, competing leadership styles all showed up in full array. There were some extremely tense moments, especially towards the final hours of the event when tempers flared. At a certain point I owned my tension and frustration concerning a particular leadership style and unapologetically spoke my truth as I stood in my position of authority. It was not a comfortable place for me because it was unexpected and I have preferred to avoid those types of difficult conversations. However, I was compelled to embrace the opportunity in the authority of the one called to the assignment and ultimately responsible and accountable to God for the protection of all members of the group. Today, some relationships seem strained as a result of the conversation that took place and I am trusting God for continued healing to all who may have been offended or hurt in that process.

There was also another issue that I experienced in that process, an issue of questioned integrity. One of the group members indirectly questioned my motives behind the project and how it served me to take on the issue of their injustices. I remember

engaging in a soul-searching process to identify when or where mixed messages may have been communicated. I have considered myself to be a person who knows oppression from a personal place; as a BLACK woman who also happens to be in a same-gender loving relationship; and even as a mother who raised six-children, for the greatest portion of their childhood, alone. I considered myself to be one who was familiar with the loneliness associated with being different and who might also have been one to question integrity and/or ulterior motives, in my mind, if not openly. And yet, it was a painful reminder of our struggle to trust. I understood the caution and concern and yet in my tiredness, and we were all tired, somehow I believed that my actions and personal investments over the months, during each season would have spoken for themselves. I also paused to question my intentions and goals for the project along the way to determine if they were more committed to academic achievement than to creating awareness. I believe that they should have been committed to both; to creating awareness in the most academically proficient means possible. However, I chose not to respond and decided to allow the process to be defined by each participant, in God's time. And although I have been told that hurt people, hurt people, I am also a witness that healed people, heal people.

Questioning the level and quality of my personal self-care has renewed my mind and continues to facilitate transformation. The model for self care that I used was modeled after my father who served in ministry for more than 50 years. His model included taking care of yourself after you have taken care of everyone else. There are few memories of scheduled vacations for him and my mom and I believe that he counted the seasonal conventions and meetings that he was required to attend as part of his self care.

Perhaps, on some level they were. However, they were not intentionally designed to provide a period of rest and genuine caring for his physical, emotional and spiritual needs, even if he did feel that he gained some benefit in some small way.

I observed the stress and strain that he believed was a requirement of his call and then I willingly embraced a martyr-like approach in my ministry. It wasn't long before I began to experience pain induced by trying to do everything and to be everything to everyone by being over-committed. My dad passed away at 82 from the complications of a stroke and congestive heart failure and during his last days of consciousness his desire was to be taken back to the church. And while I will forever love and admire his commitment and his understanding of his call to serve I have also learned from Kirk Byron Jones, author of *Rest in the Storm: Self-Care Strategies for Clergy and Other Caregivers*, that in the process of caring for others, clergy and caregivers can inadvertently unleash a form of violence, self-violence on themselves.¹⁶⁷

Wayne Muller also discusses this in his book, *Sabbath*, and states that Thomas Merton identified self-neglect as a form of contemporary violence. "To allow oneself to be carried away by a multitude of conflicting concerns, to surrender to too many demands, to commit oneself to too many projects, to want to help everyone in everything, is to succumb to violence."¹⁶⁸ As tired and overwhelmed and sometimes even bitter as I have felt at times, I never considered that my actions could possibly constitute violence against myself. This book was also a gift from one of the church trustees and it was not

¹⁶⁷ Kirk Byron Jones, *Rest in the Storm: Self-Care Strategies for Clergy and Other Caregivers* (Valley Forge, PA: Judson Press, 2001), ix.

¹⁶⁸ Wayne Muller, *Sabbath: Finding Rest, Renewal, and Delight in Our Busy Lives* (New York: Bantam, 2000), 3.

until this project and this reading that I have come to possibly understand some perceptions that may exist behind this gift.

Jones invites the reader to embrace a credo: “I am no less precious to God than the work I do or the people I serve.”¹⁶⁹ Embracing this statement required some serious and intentional unpacking and releasing for me because I had come to define myself in what I did, how well I did it and even how much I did. Jones refers to this as “doing-itus”¹⁷⁰ If you were to take away the doing then you would be left with me. And in my mind you would not have been left with anything of importance because I had been taught that all of my righteousness was as filthy rags and that in me dwelleth no good thing. I believed and embraced these ideals, without question or critique, out of my love for the giver.

Renewal of my mind in regards to self-care has included owning my personhood. I cannot love and accept the humanity in the other if I cannot love and accept the humanity in me. Jones provides a gift of healing in his discussion of “Jesus and the Back of the Boat” and what did and did not happen during that time. I found myself identifying with the blockades that he described and accepting the truths that life and projects will go on just fine during my absence; that I do not possess a limitless supply of energy and compassion and that I am more than what I do. I have also accepted the fact that there will be necessary losses in the renewal process. Therefore, I am learning to release responsibility for what does and does not happen during my absence; the need to be present in order to ensure that things are being done the right way and I am releasing the roles out of which I serve during my absence. This insight has empowered me and

¹⁶⁹ Muller, *Sabbath*, xii.

¹⁷⁰ Ibid., 9.

renewed my mind and I am being transformed continually as I critique my actions and motives as I serve.

I am transformed because I stand in the authority of the one who has sent me, just as I am in this moment, and undergoing constant renewal. I have released so many ways of thinking and embraced new ways of thinking, being and loving. I am transformed because I am not ashamed of the gospel, because I believe it is the power of God that brings salvation to everyone who believes.

CHAPTER 7 AFTER THIS...

The unwavering message of God's unconditional love to each and every person on earth from UFC-NYC has been a consistent conduit to transgender spiritual formation for more than twenty years. The doors have remained open during the seasons of change and although this project identified that there may have been and continue to be barriers co-existing, the findings have highlighted starting and continuation points. In addition, as we continue to evolve in our humanity, in the church as a living organism, there will always be work to do to ensure that enhancement of spiritual formation of individuals that identify as transgender continues. We will also have work to ensure that mutual connectivity and support within this group and the church community is continually fostered. According to the belief of UFC-NYC, enlightenment and revelation are continuous and did not stop with the bible writers. In my opinion, this project was part of that enlightenment and revelation in this particular area and other needs will be revealed.

After this, goals and strategies to continue to raise awareness among church leaders and congregants about the transgender journey and social justice issues that create barriers to spiritual formation must continue to be created. Strategic outreach, in the form of "Reaching Up; Reaching In; Reaching Out and Reaching Down," (discussed in *Ministerial Ethics Unlocked: "I Heard God"* written by Dr. Son's Group, Foundations of Ministry – NYTS – 2004), must continue to be a priority in order to ensure that clergy,

congregants and outside supporters in the church community are connected in the fight against “transphobia” and other social justice issues.

Transgender support groups must be supported in order to ensure that a forum for mutual support within this group can have safe place in our community. Opportunities for expression must be provided and supported and training must be ongoing, on all levels. Specifically, UFC-NYC’s New Membership Curriculum revision/update must be completed to address social justice issues which perpetuate transphobia. In-depth discussions must be on-going with clergy and leadership to identify and explore differences that foster separation and contradict the mission and vision of UFC-NYC. Following the Film & Fellowship Forums a film loaner process was incorporated for those who missed a film. This process must continue to ensure that information is available at all times and that nobody is left behind. Sermons and special project activities must be coordinated and delivered consistently to ensure that renewing of the mind, which I believe facilitates enlightenment, remains continuous. Feedback must be requested and welcomed, in the form of sermon critique, to ensure that the message provided is being delivered and heard in accordance with the teachings of liberation theology. Periodic surveys must also be administered within this group and the congregation to identify progress as well as to monitor newly identified training and development needs.

After this, I will continue to pursue opportunities as a prophetic agent, to enhance sensitivity and/or empathy with victims of social justice and minimize fear associated with risk. As an ally, I will keep abreast of community policies and changes that could adversely affect individuals that identify as transgender in our congregation and

community. I will also foster on-going renewal of my mind by attending specialized conferences, as often as possible, and embracing new information towards greater understanding and appreciation of other denominations. And finally, after this, I will continue to practice greater self-care in order to ensure that I am consistently offering the greatest level of service to humanity.

Ashe.

APPENDICES

APPENDIX A
DEMONSTRATION PROJECT PROPOSAL

TRANSGENDER SPIRITUAL FORMATION

BY

LYNN R. SEXTON

DRAFT DEMONSTRATION PROJECT PROPOSAL

New York Theological Seminary

2013

Challenge Statement

Unity Fellowship of Christ Church, New York City (UFC-NYC) opened its doors to lesbian, gay, bisexual, transgender, questioning, and heterosexual individuals more than twenty years ago, and many lives have been transformed. As an Associate Pastor, I have observed that clergy and laity have not always understood the transgender experience. If this group is to thrive, and others like it, strategic educational outreach must be prioritized. Through this demonstration project, I will explore barriers to transgender spiritual formation and implement a process that will enhance spiritual development and foster increased mutual connectivity and support within this group and the church community.

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CHAPTER 1 INTRODUCTION TO THE SETTING

Identity

Unity Fellowship of Christ Church, New York City (UFC-NYC) celebrated its 20th Anniversary during the weekend of May 6, 2012. According to the definition of “traditional” in *Webster’s New World Dictionary and Thesaurus*, UFC-NYC is a traditional church because it is built on “the handing down orally of beliefs, customs, etc., from generation to generation.”¹ Many of UFC-NYC’s parishioners come from churches that did not affirm them as lesbian, gay, bisexual, transgender, or questioning (LGBTQ) people of faith and consequently did not welcome them to fully participate in church activities. At UFC-NYC, however, Senior Bishop Zachary G. Jones has offered them a place of their own, where they can worship God just as they are without feeling that God does not love them, thereby affirming that everyone has a seat at the table.

Bishop Jones, the founder of UFC-NYC, understood their journey from a personal place. According to an article in the *Bed-Stuy Patch*, dated April 21, 2011, he “has been involved in church activities for his entire life. Born and raised as a Baptist in Los Angeles, he held his own Bible studies as a teenager and was licensed in 1978 as a pulpit minister at the Mount Moriah Baptist Church.”² The Biographical Notes on Zachary Jones, which appear in the lesbian, gay, bisexual, and transgender Religious Archives Network (RAN), state that after his licensure, Bishop Jones transferred his membership to

¹*Webster’s New World Dictionary and Thesaurus*, 2nd ed., s.v. “Traditional.”

² McCarton Ackerman, “Unity Fellowship of Christ Church Welcomes Gay Worshipers,” *Bed-StuyPatch*, April 21, 2011, <http://Bed-stuy.patch.com/articles/unity-fellowship-of-christ-church-welcomes-gay-worshippers> (accessed November 1, 2012).

the Pentecostal denomination, which encouraged Bible-centered practice and instruction. It was in this community that “Bishop Jones decided that he needed to live his life fully as a gay man. As a teenager, he had wrestled with his sexual orientation and family/religious expectations.”³ Bishop Jones recalled that these were contentious times for him because neither his family nor his religious community supported gay persons, and so he spent his early years fantasizing about a time when he would be able to live sexually free.

He found a spiritual home at Unity Fellowship Church in Los Angeles, California, under the Unity Fellowship of Christ Church Movement, Inc. (UFCM), a movement dedicated to fighting homophobia and injustice against all. Although Bishop Jones was initially drawn to Unity because of its work with the Minority AIDS Project, he entered full-time ministry and was appointed Assistant Pastor in 1987. He served in that position for five years before going to New York City to form and pastor the first Unity Fellowship of Christ Church, NYC. And although the theology of UFC-NYC is based on the handing down of beliefs and customs from the Baptist and Pentecostal churches, the UFC movement critiques those beliefs and customs and re-interprets them in the context of the times. Additionally, UFC-NYC is “socially particularistic in some very non-traditional ways,”⁴ a result of Bishop Jones’ tapping into a population that was unwanted, unwelcomed, and unappreciated by Pentecostalism and other traditions.

Approximately ninety percent of the congregation of UFC-NYC is gay, lesbian, bisexual, transgender, and questioning people of diverse colors and faiths. Slightly more

³ The lesbian, gay, bisexual and transgender Religious Archives Network, www.lgbtran.org/Interview.aspx?ID=17 (accessed November 5, 2012).

⁴ Omar M McRoberts, *Streets of Glory: Church and Community in a Black Urban Neighborhood* (Chicago, The University of Chicago Press, 2003), 106.

women attend than men, and the majority of members are older than age 40. A large disparity exists among the members in education (ranging from the doctoral and master's level to those who did not complete high school) and income (ranging from six figures to a fixed income at the poverty level). Many members of the congregation openly live with the Virus.

In February 2003, UFC-NYC moved to 2578 Atlantic Avenue. They had previously rented space from Saint Mary's Episcopal Church in the Fort Green area of Brooklyn, down the street from Pratt University at 230 Classon Avenue. Saint Mary's, a 175-year-old church, is surrounded by middle-to-high income brownstones and co-ops. Their Rector had been very supportive of the UFC-NYC ministry, but when a new Rector arrived, it became apparent that theological differences related to sexuality were no longer tolerable, and UFC-NYC was asked to move. Some people who had attended the church in Fort Green could not follow UFC-NYC to the new location in East New York, the result being that today, few congregants live within walking distance of the church.

UFC-NYC offers two family-oriented worship services each Sunday. The 11 a.m. service tends to be more formal and includes a morning hymn and spoken word from the Bible. The 4 p.m. service, which began in 2009, includes more music and a Chorale comprised mainly of young people from 19 to 35 years of age (although a few members of the group who have a musical background are 45 to 55 years of age). The early part of the 4 p.m. service has an open forum where parishioners can share personal testimonies. This service also includes a segment dedicated to arts in ministry, which might include poetry, praise dance, a solo, or theatre piece in the form of a skit or play, which delivers

the message or sermon. Attendance at the first service averages from 100 to 125 persons; the second averages from 65 to 75.

Location

UFC-NYC is located in an industrial area in the East New York section of Brooklyn, New York 11207. Forty-four other churches are listed in this zip code,⁵ as are several housing complexes. The church is situated on a service road of Atlantic Avenue, a consistently busy, main thoroughfare beginning at the Brooklyn Queens Expressway (BQE) and running east to the Van Wyck Expressway in Queens.

The building was previously occupied, first by a nightclub and then by a private gym facility. A two-story warehouse-type structure with two large wide-open spaces on the first floor, the building has one area that is used as the main sanctuary; the other area contains a kitchen, fellowship hall, pantry, trustee office, two storage rooms, and two unisex, private restrooms.

The neighborhood has large abandoned buildings whose architecture symbolizes a time long past and a neighborhood that has greatly changed. The front of the church faces an overpass that shelters the East New York stop on the Long Island Railroad, and the church is surrounded by industrial-type buildings on the back streets, although the area has some private homes. Up until approximately four years ago, there were no neighbors on either side of the church. Today, an industrial building is attached to the right side of the church, which once was open but has since gone out of business. On the left side of the church, on the corner of Atlantic and Georgia, is a three-story bar and lounge for birthday parties and dances that opened in the last six months. Across the

⁵IndexedAmerica.com, www.indexedamerica.com/states/NY/Kings/Churches-Brooklyn-11207.html (accessed November 1, 2012).

street from the club is the neighborhood diner, where church members, employees from the industrial businesses, and the residents go to eat. Across the street from the diner is a large car wash, and at the end of that block is a nursing home.

The immediate surrounding blocks contain several auto repair and wrought-iron shops, scrap metal yards, and several large lots for school and Access-a-Ride buses. About two blocks west, a large U.S. Mini Storage facility stands among abandoned buildings.

Mixed in with these industrial businesses are private residences, many of which appear old, and one could infer by their appearance that their residents fall into a low-income bracket.

Several homeless shelters and recovery houses are located within walking distance of the church:

- The Atlantic House Men's Shelter, started in 2003 under CAMBA, "provides temporary emergency housing in a safe, supportive and drug-free facility for 200 single men, at any given time who are dually diagnosed with mental illness and substance abuse."⁶
- Women-in-Need Family Shelter, founded in 1983, offers "a range of community-based services for more than 9,500 homeless and disadvantaged children and adults."⁷

⁶CAMBA, <http://camba.org/Programs/HousingServicesDevelopment/EmergencyandTransitionalHousing/AtlanticHouseMen'sShelter/tabid/186/Default.aspx> (accessed November 1, 2012).

⁷ Yellow Pages, www.yellowpages.com/brooklyn-ny/mip/women-in-need-inc-473512327?geo_location_terms=brooklyn (accessed November 1, 2012).

- Brooklyn Women’s Shelter, located at 116 Williams Avenue, Brooklyn, NY, in the old P.S. 63 school building, is “one of the three Assessment/Intake Centers for single homeless women citywide.”⁸
- Fulton House, located at 2572 Fulton Street, Brooklyn, NY, and funded by The Bowery Resident’s Committee (BRC) founded in 1971,⁹ is a 48-bed community residence for individuals diagnosed with severe and persistent mental illness.
- The Institute for Community Living (ICL) Continuing Day Treatment facility, located around the corner from the Atlantic House Men’s Shelter, serves and treats individuals with mental illness, co-occurring substance abuse, and a history of homelessness. ICL has another office directly across the street from the church at 2384 Atlantic Avenue known as The Personalized Recovery Oriented Services Program (PROS) that appears administrative in nature. Its “program is a group based recovery program for adults (aged 18 to 90) with psychiatric disabilities, designed to provide a comprehensive array of services and treatment within the same program to facilitate recovery, wellness and support.”¹⁰

⁸NYC New York City Innovations in Mental Health, Mental/Behavioral Health, http://newyorkcity.ny.networkofcare.org/mh/services/agency.aspx?pid=DepartmentofHomelessServicesTheBrooklynWomensShelter_754_2_0 (accessed November 1, 2012).

⁹ BRC Programs, www.brc.org/programs_trans_housing.php (accessed November 12, 2012.)

¹⁰MHA-NYC New York City Innovations in Mental Health, Mental/Behavioral Health, http://newyorkcity.ny.networkofcare.org/mh/services/agency.aspx?pid=InstituteForCommunityLivingIncEastNewYorkPROS_754_2_0 (accessed November 1, 2012).

Two additional shelters for the homeless are in this zip code, and Bushwick Family Residence, an additional shelter at 1675 Broadway, Brooklyn, New York, provides care for the homeless.

Residents from Brooklyn Women's Shelter, Atlantic House Men's Shelter, and Women-in-Need Family Shelter often attend UFC-NYC's Thursday evening Food Pantry, and a couple of the residents from Brooklyn's Women's Shelter often attend Sunday worship services.

History

UFC-NYC was founded and established in 1992 in response to a call made to the mother church in Los Angeles, California. According to an interview conducted in 2005 with Bishop Jones, and an oral history interview that appeared in the RAN,¹¹ its story begins in the late 1980s. When the gay community in Los Angeles was being ravaged with the HIV Aids crisis, very little information or scientific study was available, particularly to the African American community, which had witnessed people die. UFC had a small work there, particularly for the African American Lesbian Gay Community, and from time to time, it would connect and network with other people across the country. Once its work became somewhat known, an interest group in New York contacted their Pastor (now Archbishop) Carl Bean, wanting to know if there was anything they could do in New York that would duplicate the work being done in Los Angeles. Archbishop Bean told Bishop Jones, then the Assistant Pastor, to take over the work in Los Angeles so that he could go to New York to answer a consistent call coming from the believers there. However, Bishop Jones suggested that it would be better if the

¹¹ The lesbian, gay, bisexual and transgender Religious Archives Network, www.lgbtran.org/Interview (accessed November 5, 2012).

Archbishop remained in Los Angeles because of the many years he had invested in cultivating and developing the work there. Bishop Jones then offered to go to New York instead. The Archbishop agreed, and Senior Bishop Zachary G. Jones “set up the first Unity Fellowship satellite church in New York City.”¹²

The first service was held on May 10, 1992 at The Center (Lesbian & Gay Community City) with but ten people gathered for worship, but within a few years, the line of people attending worship services extended out of the assigned room, down the staircase, and out the door. Lesbian, gay, bisexual, transgender, and questioning people came from all over to attend worship services – and to be affirmed.

Mission

The mission of Unity Fellowship of Christ Church is as follows:

Unity Fellowship of Christ Church – New York City is a Social Justice Ministry, whose mission is to teach freedom on all levels of racial, sexual, religious, and social-economic oppression. Our mission is carried out through the valuing of ourselves, as God has made us and valuing of our heritage, including but not exclusively, the historical and literal teachings of Jesus Christ, as man and deity. The valuing of our communities is demonstrated as we feed the hungry, clothe the naked, support and offer love to those who are incarcerated and those who suffer hardships.

UFC-NYC continually fulfills its mission by teaching freedom on all levels through the Spoken Word, spiritual development classes, leadership classes, one-on-one counseling, and fellowship. Several activities demonstrate how the mission is carried out through the valuing of one another. Each worship service includes an affirmation segment when the audience is invited to stand and affirm one another, usually by saying

¹² Carl Bean and David Ritz, *I Was Born This Way: A Gay Preacher's Journey through Gospel Music, Disco Stardom, and a Ministry in Christ* (New York: Simon & Schuster, 2010), 242.

to their neighbor, “You are very special.” In an annual event called “Role Reversal,” some parishioners voluntarily perform and portray opposite-gender roles, demonstrating their God-given ability to be diverse and creative in a safe and sacred space. While some of the presentations/acts may be comical, they are also affirming, and this event is always well attended by newcomers and visitors. The valuing of heritage is demonstrated by the pouring of libation to honor the ancestors during the opening of special events.

Each Thursday evening, the line of community residents that often extends half a block long from the front entrance of the church is evidence that the Food Pantry is in operation, distributing approximately 100 to 150 bags of food to community residents and those referred by other food distribution sites. According to a listing of Brooklyn, New York Food Pantries, UFC-NYC’s is one of the only food pantries that remains open until 9 p.m. in this zip code area.¹³ Individuals come from all over the area. In fact, sometimes calls are received in the church administrative office from people outside the area asking for directions and the time of food distribution. During certain times of the year, on Sundays between services and on Thursdays while the Food Pantry is operating, student nurses take blood pressures and provide dietary information. Sometimes clothing, shoes, and other items are available for distribution as well.

UFC-NYC’s commitment to its mission is both behind the scenes as well as in the public eye. Every year, a week-long event called Unity-in-Community is held to commemorate a proclamation honoring Unity Fellowship, issued in 1995 by Manhattan

¹³ FoodPantries.org, www.foodpantries.org/ci/ny-brooklyn (accessed November 5, 2012).

Borough President Ruth Messinger.¹⁴ The week's events feature activities designed to let the community know what the church is about. Unity-in-Community now also includes open forums for members and others to discuss homosexuality and the Bible as well as other requested topics.

Unity's mission is to teach freedom on all levels of racial, sexual, religious, and socio-economic oppression. However, one of the ministries in the church, "Common Spirit," which includes transgender/two-spirited/questioning congregants, has often been the target of oppression and has gone through declining membership and participation in the last few years. The cause and/or reason for this decline will be explored and documented in this project.

Identifying barriers to transgender spiritual formation will facilitate the implementation of strategies that will support the mission of UFC-NYC because that will increase awareness of the transgender experience in the congregation and foster increased connectivity and the valuing of one another between the transgender congregants.

¹⁴ Joyce Shelby, "Gays Discover Unity – and Spiritual Home," *New York Daily News*, June 22, 1997, www.nydailynews.com/archives/boroughs/gays-discover-unity-spiritual-home-article-1.759155 (accessed December 4, 2012).

CHAPTER 2 PRELIMINARY ANALYSIS OF THE CHALLENGE

I am an Associate Pastor at an open and affirming Christian Church located in the East New York section of Brooklyn, Kings County. A declaration frequently quoted in the ministry is “God is Love and Love is For Everyone.” One of the primary scriptures used as a basis for the ministry is found in Matthew 25:34-40, sometimes referred to as “The Final Judgment Scene,” where we find Jesus discussing how our love for God’s people will affect judgment in the eternal world.”¹⁵ The theology of UFC-NYC mandates that the hungry are fed, the thirsty are given drink, the stranger is taken in, the naked are clothed, the sick receive visitation, and the imprisoned are not abandoned. This theology includes all of God’s children, even those who have been excluded from society for various reasons.

The congregation includes people from all walks of life and is comprised of African American, Latino, and white lesbian, gay, bisexual, transgender, questioning, and heterosexual (LGBTQH) persons. Several of the transgender members are in leadership positions in the church. However, other transgender members or attendees are minimally participative and attend infrequently. There appears to be a pattern or cycle wherein transgenders start attending, begin to participate in worship and activities, start to develop relationships within the congregation, or not, and then something happens. They drop out

¹⁵ Henry H. Halley, *Halley's Bible Handbook With the New International Version* (Grand Rapids, MI: Zondervan, 2000), 610.

of sight for a period of time and then some time later (often years), they return and the cycle repeats itself.

UFC-NYC has an auxiliary/ministry called “Common Spirit,” which was organized many years ago. Recently assigned as the liaison and responsible for mentoring the leadership of the group, I was provided a copy of their Mission Statement, which indicates that the ministry is to provide an environment in which transgender/two-spirited/questioning people can share, network, provide, and receive peer support and education. During the early days of this formation and prior to working directly with this group, I observed that there appeared to be enthusiasm and lots of participation in the group. During the last couple of years, however, attendance and participation have dropped dramatically for several obvious reasons. First, several of the transgender leaders passed away from chronic illnesses, leaving a void in a particular type of leadership. Second, several of the active participants moved away or moved on to other ministries. Third, leadership positions were assumed by remaining members who may not have been as equipped with leadership and/or outreach skills. It is also unclear if the new leaders brought the same level of confidence, passion, and enthusiasm to the group. Currently, the ministry remains in a skeletal form with a fraction of the past participation and minimal activity.

I have also observed a possible strain in the development of relationships within the congregation and some of the transgenders in the group. Although our congregation is diverse, there appears to be disconnection and/or a mindset that operates from the premise that, “If I don’t understand it, I don’t want anything to do with it.” And because

“transgender” is a wide umbrella for many different paths, some congregants are not open to building community with people they do not understand.

Actually, Joanne Herman, author of *Transgender Explained for Those Who Are Not*, states that often individuals “with an alternate gender identity (how you feel) and/or gender expression (how you look and act) are referred to as ‘transgender’ for expediency.”¹⁶ And because there is a stigma associated with any adjective beginning with “trans,” many individuals deny being transgender. Herman also explains that individuals who are more traditionally included under this umbrella “include transsexuals who transition genders as she did, heterosexual cross-dressers who have an opposite gender presentation only part of the time, and genderqueer people who have a unique gender presentation all of the time.”¹⁷

In terms of the prevalence of transgenderism and gender non-conformity, Herman cites the estimates of Professor Lynn Conway, at “1.5 percent of the population, or fifteen people per thousand in the population. Comparing this with the Williams Institute’s latest statistic for gay/lesbian prevalence, that’s one person for every three gay/lesbian people.”¹⁸ Herman states that if this figure appears high, it is because in the past transgender individuals have, to a great extent, been closeted. Some who transitioned genders decided never to admit being transgender, referred to as “stealth,” because of concerns over safety, stigmatization, and prejudice. Also, the American Psychiatric Association’s catalog still reflects gender identity disorder as a mental disorder. In

¹⁶ Joanne Herman, *Transgender Explained for Those Who Are Not* (Bloomington, IN: AuthorHouse, 2009), 3.

¹⁷ Ibid., 4.

¹⁸ Ibid.

addition, Herman discusses the fact that overt sexism is alive and well, and often when a man puts on a woman's clothes, he is immediately categorized as being less qualified. She also discusses the fact that conservative religious activists are busy trying to learn everything that they can about transgenderism and gender non-conformity so that they can distort the truth and create fear among lawmakers. In my opinion, this twisting of the truth is not new; it is as old as time and transported to our congregation through the minds of many who came from other conservative religious institutions, including myself.

This project is concerned with identifying barriers to transgender spiritual formation by identifying interdisciplinary barriers to building relationships between the transgender congregants and other members. It is also concerned with determining if UFC-NYC is utilizing the educational tools required to ensure that leaders understand the challenges faced by this group.

Two focus groups were held, the first on November 18 and the second on November 25. The group was comprised of one ordained transgender minister and three transgender congregants; one Latino transsexual male, born female; one African American transsexual male, born female; one African American transsexual female, born male; and one African American transgender female, born male. All members of the group were over the age of 45. Three members of the group admitted to attempting suicide and three are in recovery. The following five questions were asked:

1. How are you feeling spiritually as a transgender person of faith?
2. Are there any challenges you face in our church community as a transgender person of faith?
3. How does the ministry support you as a transgender person of faith, or not?
4. What is the greatest obstacle to your spiritual development?

5. What additional church supports do you believe would enhance your spiritual formation, if any?

Each group member expressed positive spiritual feelings as a transgender person of faith.

In regards to challenges faced, one member stated that she felt that there is discrimination within the LGBTQ church community. During the course of the discussion, it was stated that they often have to identify, explain, and defend themselves, or they are treated as invisible. One member stated that they are treated as a “novelty,” while another said that she often feels overlooked and not included and wants someone to show an interest in her.

Everyone felt supported by UFC-NYC. The minister discussed his progression from being an usher to becoming an ordained minister, something that he never thought possible growing up as a Catholic. He also stated that his transition from female to male began and ended at Unity, which provided a supportive and nurturing community.

One member claimed that the greatest obstacle to his spiritual development is the result of the teachings that he received regarding homosexuality while growing up in the Pentecostal church. Another member believed that less offensive language is needed for better communication. In my opinion, people are often offensive because they don't understand the transgender experience or the proper way to address transgenders. One member made reference to a church retreat where one of the leaders referred to transgenders as “transgender or whatever.”

The group's remarks identified that additional church support was needed so that the membership would be more receptive to transgender people, that is, asking and not judging. The group also discussed the need for open forum discussions and workshops.

UFC-NYC is a church with many parts that make up the whole. In order for the church to grow and be healthy, each part must understand their connection to the other. In *Healthy Congregations: A Systems Approach*, Peter L. Steinke writes that, “You cannot isolate anything and understand it. The parts function as they do because of the presence of the other parts.”¹⁹ This highlights another area that needs focus within the congregation, that being interconnectivity, inclusivity, and the Bible.

Many of the congregants do not live in East New York, which, according to a report issued by the United Way of New York City, is a low income, highly concentrated area of 35,001 to 45,000 poor people, where the median household income is \$25,001 to \$35,000. This figure includes 5,000 to 10,000 poor immigrants. Unemployment is also highly concentrated in this area at 10 to 15 percent for people 18 to 64 years of age.²⁰ The major interaction between the church and the community occurs on Thursday evening during Food Pantry, when approximately 100 to 150 bags of food are distributed to the community.

Many congregants, including the transgender members, do not live in the East New York community. When traveling by public transportation, congregants must walk at least two blocks through this community to arrive at the church. According to “SpotCrime: East Brooklyn, Brooklyn, NY Neighborhood Crime Map,” shooting and

¹⁹ Peter L. Steinke, *Healthy Congregations: A Systems Approach* (Herndon, VA: The Alban Institute, 2006), 3.

²⁰ Community Service Society, United Way of New York City. *Mapping Poverty in New York City, Pinpointing the Impact of Poverty, Community by Community*. <http://www.cssny.org/publications/entry/mapping-poverty-in-new-york-city-pinpointing-the-impact-of-poverty-communit> (accessed May 29, 2012).

assault are the number one crimes in the area, followed by robbery.²¹ And according to “New York - Hate Crime Statistics 2009,” there were 61 incidents per bias motivation, based on sexual orientation committed in New York.²² The Division of Criminal Justice Research Report, “Hate Crime in New York State 2010 Annual Report,” also reflects that there were 135 incidents documented in Kings County, compared with 92 reported in 2009. Additionally, incidents involving a sexual orientation bias increased 15%, from 2009 to 2010. A major finding reflected in this report also indicates that, “the most frequently reported bias motivations for hate crimes in 2010 were anti-Jewish (31%), anti-black (20%), anti-male homosexual (16%), and anti-Hispanic (8%).”²³ It remains to be seen if the hate crime statistics in East New York impact the spirituality of the transgenders who attend the church. This was not an issue that presented itself during the focus group, however; those who attended the group believed that they have transitioned well. During an open forum of the afternoon service, one of the transgender females shared that she was fearful of going outside during the Food Pantry held on Thursday evenings because of some things that were said to her pertaining to her sexuality. Therefore, this study is also concerned with identifying if there are environmental barriers that increase physical, emotional, and psychological risk associated with transgenders attending the church services and when those barriers are activated.

²¹ SpotCrime, Brooklyn, NY Crime Information and Alerts, <http://spotcrime.com/ny/Brooklyn,east+Brooklyn> (accessed November 20, 2012).

²² Table 13 – New York – Hate Crime Statistics 2009, http://www2.fbi.gov/ucr/hc2009/data/table_13ny.html (accessed May 29, 2012).

²³ Brent Lovett, “Hate Crime in New York State 2010 Annual Report.” *Division of Criminal Justice Services Office of Justice Research Report*, July 2011, New York State Division of Criminal Justice Services, <http://criminaljustice.state.ny.us/crimnet/ojsa/hate-crime-in-nys-2010-annual-report.pdf> (accessed November 20, 2012), 1-9.

The sense of urgency concerning possible barriers is attached to the spiritual formation of transgender congregants. If identified barriers are not addressed, this ministry may not survive, and the Biblical mandates and theology of UFC -NYC will no longer produce living epistles. A systemic change may be required in the church organization's structure in order to ensure that crisis intervention and corrective action occurs. The outcome of this project will institute a process that will support spiritual formation for transgenders in this ministry and other such ministries. This formation will enhance spiritual development and foster increased mutual connectivity and support both within the group and within the church community providing training on transgender issues for those in clergy and/or leadership positions and the congregation.

The Site Team has embraced this challenge as relevant and critical to this ministry. UFC-NYC was founded on the motto that "God is Love and Love is For Everyone." In order to realize the mission, all members of the community must be valued. The Team includes a transgender female person who is a resource and will identify other resources that will assist in addressing the challenge: a school teacher, an analyst employed by NYC HIV/AIDS Services Administration (HASA), a labor advocate, a pastor, a sociologist, a professor, and the Senior Bishop of UFC-NYC.

CHAPTER 3

PLAN OF IMPLEMENTATION

Goals and Strategies

Goal 1 - To raise awareness among church leaders and congregants about the transgender journey and barriers to their spiritual formation that may exist within the church and outside of the church.

Strategy 1: Conduct a survey to identify what the congregation knows about transgenderism and how the principles of UFC-NYC relate to the inclusion of transgenders.

Strategy 2: Prepare and deliver a series of four sermons that will support the biblical basis for inclusivity.

Strategy 3: Present a series of four films that reflect the transgender journey, followed by a group discussion on the insights received from the film.

Strategy 4: Coordinate a workshop on Transgenderism to be presented by an expert in the field, which will provide statistics and current research findings about the topic.

Evaluation of Goal 1: A pre-test will be administered to all church leaders and congregants to identify their knowledge regarding transgenderism and the obstacles that they may face. A post-test will be given after all strategies have been completed in order to determine if there is an increase of information on the subject. At least 25% of the participants will indicate that they gained new knowledge and understanding on this topic by scoring above 80% on the post-test.

Goal 2 - To develop a team by recruiting and training at least four members of the clergy, four other congregations and/or outside supporters in zip code 11207 or in Brooklyn, four transgenders, and four congregants on strategic outreach.

Strategy 1: To develop a criteria for selecting participants by using a questionnaire that will identify those who have a passion for this group.

Strategy 2: To provide an orientation on the biblical principles associated with inclusivity. This would also include providing the required training on strategic outreach and assigning roles to each group.

Strategy 3: Champion monthly meetings and follow up with clergy, other congregations, transgenders and congregants by utilizing face-to-face, e-mail, and telephone to determine progress and/or to identify obstacles.

Strategy 4: Help to facilitate a monthly transgender group meeting that will provide a forum to foster increased mutual connectivity and support within the group.

Strategy 5: Help the transgender group write and present a play that will demonstrate their perception of the current communication and misconception within the congregation.

Evaluation of Goal 2: As a result of developing this team, the number of transgenders in the church should increase by at least 5% throughout the duration of the

project. This team will also produce at least 12 people who will be trained and involved in strategic outreach to transgenders.

Goal 3 - Begin to train the leadership and congregation on Transgenderism as it relates to the principles on which Unity Fellowship of Christ is based.

Strategy 1: Develop an additional training module on transgenderism to be incorporated into the New Membership training curriculum.

Strategy 2: Provide a training segment in each monthly clergy and deaconate meeting, which includes UFC-NYC clergy-defined responsibilities pertaining to transgenderism. Provide a training segment to leaders at Executive Leadership Quarterly Meetings.

Strategy 3: Provide a training segment on transgenderism in the annual eight-week leadership development training that includes UFC-NYC leadership, defined responsibilities pertaining to transgenderism.

Strategy 4: Provide a training segment on transgenderism during the Unity-in-Community annual open discussion forum that includes UFC-NYC principles concerning transgenderism.

Evaluation of Goal 3: By the end of this project and these annual activities leadership and laity will have increased knowledge and understanding of the transgender journey and the importance of inclusivity. An evaluation will be requested and at least 75% of the leaders and congregation will reflect increased knowledge regarding the mission and principles of UFC-NYC and how they relate to transgenderism.

CHAPTER 4 RESEARCH QUESTIONS

Biblical

What misinterpretations, misunderstandings, assumptions, or neglect of biblical passages and their themes have prohibited inclusivity and contributed to homophobia in the church? Are there any new hermeneutical methods or perspectives available that will assist in creating a process that can support greater understanding by clergy and laity of the transgender experience? What does the Bible say about Otherness, and what actions can be taken to recover or bring enlightened meaning in support of transgender spiritual formation? What important exegesis can today's theologians offer, and what are the themes and biblical passages that will serve transgenders?

Theological

Does the doctrine of tradition, the theological position of Unity Fellowship Church, which states that "God is Love and Love is for Everyone," in any way present obstacles or hinder awareness in this church toward fostering spiritual formation in transgender persons? Are there any theological schools or voices providing new insights that call for the renewed emphasis, explanation, or revision of this doctrine? What voices and resources can help us to understand and interpret this doctrine?

Spiritual Life and Practice

Are the practices of spiritual life, worship, and ritual at Unity Fellowship of Christ Church New York City (UFC-NYC) conducive to creating an environment that will enlighten clergy and laity regarding the transgender spiritual journey? What spiritual practices are in need of recovery, renewal, or transformation in order for the transgender

ministry to thrive and the level of awareness within the congregation to be developed and increased? How do we create a community with a process that includes both spiritual practices and ensures the inclusion of transgender congregants?

CHAPTER 5

EVALUATION PROCESS

In order to evaluate if there has been an increase in awareness, the extent to which team building has been effective and if the process that has been implemented has enhanced spiritual development and increased connectivity and support within the transgender group and the church community, I will utilize three different methods to evaluate the success of my Demonstration Project.

Method of evaluation I – Survey/questionnaire/evaluation

In order to evaluate if there has been increased awareness among leaders and congregants regarding the transgender journey and barriers to spiritual formation, a post-test will be administered in November 2013 by two of the Site Team members, after a series of four sermons have been delivered, and four films have been shown, followed by group discussion, and after a workshop has been presented by a subject matter expert (Goal 1). Evaluations will be solicited following each of these strategies and a post-test will be administered after all strategies have been completed in order to reflect if overall awareness increased.

In order to evaluate if team building and training has been successful: by December 2013, two of the Site Team members will solicit an evaluation from each participant on the strengths and weaknesses of the team and the strategic outreach training. The feedback will be utilized to improve the training and/or identify additional needs for future team building (Goal 2).

In order to ensure on-going assessment, the first fifteen minutes of each monthly transgender group meeting will be used to evaluate the last meeting. Group members

will be requested to rate their level of participation and identify any obstacles that they experienced in the group. Two of the Site Team members will solicit an evaluation of the play presented by the transgender group in order to determine if persons in the audience gained insight regarding communication and misconceptions that occur in the congregation.

In order to evaluate if the leadership and the congregation have been successfully trained (Goal 3) on transgenderism as it relates to the principles on which UFC-NYC is based, a post-test will be administered by two of the Site Team members in December 2013, at the end of the project. A post test will also be administered to clergy and leadership to identify if their knowledge regarding their responsibility as a clergy person/leader increased. The findings will confirm if there has been an increase in knowledge and understanding, or it will support the basis for additional follow-up training.

Method of evaluation 2 – Observation

With the assistance of one of the Site Team members, I will monitor attendance at all strategic outreach trainings and meetings (Goal 2). We will observe participation and/or involvement and evaluate the effectiveness of each leader who facilitates a discussion following the meeting/training.

Method of evaluation 3 – Interviews

In order to measure if there was an increase in mutual connectivity and support within the transgender group, an in-depth interview will be conducted with at least four transgenders who attended the monthly group meetings.

CHAPTER 6

MINISTERIAL COMPETENCIES

The Process

The Competency Assessment Site Team meeting was held on Saturday September 15, 2012, at the home of Rev Lynn. Prior to the meeting, each team member received the “Assessment of Candidate Competency.” We were asked to review the competencies and select three competencies we felt Rev Lynn should work on during her “The Demonstration Project.” As per the instructions of the “Assessment of Candidate Competency” Rev Lynn and the team came to the meeting with written responses for the competencies they selected.

The Site Team members in attendance were Deborah McKeever (Bronx, NY), Susan E. Williams (Brooklyn, NY), and Caryn L. Morgan (Brooklyn, NY).

Dr Juan Battle (Brooklyn, NY) sent his suggested competencies to Rev Lynn via email. He understood that his competencies may or may not be any of the actual competencies that the team believes that Rev. Lynn should work on.

The discussion started with the above mentioned team members who were in attendance and Rev Lynn. Several team members were not comfortable assessing Rev Lynn, the Pastor of the T.U.E. worship service at the Church where they are active members. “Who are we to say a “Women of the Cloth” needed to or should do this or that? Who are we to say Rev Lynn is lacking in some area or that we, without the knowledge and/or experience of Rev Lynn are even qualified to assist her with this journey (The Demonstration Project). Rev Lynn explained that we were each chosen for various reasons, and our honest input is needed in her project. With that said we were able to discuss and summarize each of the competencies, which are indicated below.

The Assessments

As Theologian - Rev. Lynn excels in this competency. She continues to gain knowledge and understanding through her formal biblical and scriptural studies, at NYTS, as well as at other institutions of higher learning. She has also demonstrated her ability to increase her knowledge in the other disciplines (i.e. sociology and economics) through her outside readings. Rev. Lynn combines all of her studies and applies the acquired knowledge to enhance her understanding of the life experiences of the congregants in our church. She has the ability to reflect theologically upon the different life orientations of our congregants, guiding and empowering them to work through the decision making process in an ethical manner. *Candidate will continue to actively engage biblical study and theological reflection in order to continue grow and increase effectiveness in relevant scriptural interpretation.*

As Preacher/Interpreter of Sacred Text - Rev. Lynn excels in this competency as well. Her sermons are well researched and she delivers them in an organized fashion that is both meaningful and effective. She can transform the historic biblical events to current

day, engaging her listeners and challenging them to grow in critical areas of their lives. Each time she in the pulpit, it is certain that she will be serving up food for the soul and spirit. *Candidate wants to increase effectiveness in sermon delivery.*

As Worship Leader – Rev. Lynn is an excellent worship leader. She understands the true meaning of worships and is able to lead her congregation in a worship service. She can make scriptures come alive where one wants to worship the word of God. Rev. Lynn gives her congregation the freedom to worship their own way (songs, spoken word, dance miming or testifying). She is able to feel the spirit of the service and knows when to sing a song to lift people's spirit. *Candidate wants to improve in her ability to frame worship within the sacred calendar and for specific occasions or situations.*

As Prophetic Agent – Many of the characteristics listed are currently displayed by Rev Lynn. Rev Lynn is able to encourage others to face issues that they are dealing with; however she stays safe by going along with some things even if she is opposed to it. Rev. Lynn is interested in social change when things are done in a group or an environment that is comfortable for her and even then there's only a small degree of her that is public or open. *Candidate wants to develop and embrace a willingness to embrace risk in order to create social change through increased awareness of internal cultural location biases and truth "foretelling."*

As Leader – Rev. Lynn is an excellent leader because she is an excellent follower. She is able to look at all angles of a task an outline what needs to be done but she does not do it solo. Rev. Lynn is a team player, knows when to sit back and let others take the lead. She encourages people to do their best, ask questions and not be afraid to say "I need help". Rev. Lynn is always willing to provide support and to follow-up on the initiatives of others. She gives constructive criticism when needed. In May of 2012 our church celebrated our 20th Anniversary. Rev. Lynn was in charge of planning the worship service. She picked her team and they started planning five months in advance for the service. Even though she was the leader of the team she made everyone feel as if they were the leader. We planned everything together and the anniversary worship service was beautiful. *Candidate wants to continue to improve her ability and willingness to delegate more responsibility to capable people and give constructive criticism effectively.*

As Religious Educator – Rev. Lynn has a way of teaching that makes a person see everything clear. When she tells a story from the bible it is as if the people are right in front of you. She is able to bring the past to the future and relate it to your life. Rev. can break down religious concepts where any age group is able to understand. She inspires her congregation and other educational leaders to strive for a more spiritual-enlightened consciousness. *Candidate wants to continue to discover new resources within herself and continue to understand and be sensitive to the leaning process across the human life cycle.*

As Counselor – Rev. Lynn is skilled in relating to and communicating well with the congregants. Rev Lynn is honest, genuine and a free person, however she chooses to be open in limited areas. When necessary, Rev Lynn is able to recognize her limits as a counselor and makes the appropriate referrals to someone she is counseling. Rev. Lynn engages with the congregants prior to, after service and at Church events, which makes

her accessible. Rev Lynn has a very warm energy and an inviting smile which makes her very approachable. *Candidate wants to improve in self-acceptance and increase effectiveness as an agent of reconciliation.*

As Pastor – Rev. Lynn was born into the role of Pastor. The sacraments and ceremonies of our Church are very important to her. Rev Lynn believes it is equally important that the congregants know and understand why we participate in sacraments and ceremonies. Prior to becoming the Pastor of The Unity Experience (T.U.E) Service, and currently, Rev. Lynn visits those who are ill and shut in. Rev Lynn also comforts and spends time with those who are bereaved. Rev Lynn, with the help of her partner, has implemented time after the T.U.E. service for congregants and visitors to enjoy a light meal while fellowshiping with each other. Although, this is a competency that needs to be developed because of Rev. Lynn’s lack of self-care. Rev. Lynn needs to give herself the same attention that she gives to the Church, her job, her loved ones and this project. The Site Team will help Rev. Lynn excel in this project and help to ensure that she practices self care. *Candidate feels the need to be more intentional about understanding and practicing self-care.*

As Spiritual Leader – Like the competency Pastor, Rev. Lynn is meant to be a Spiritual Leader. Rev Lynn is familiar with the spiritual practices/traditions and background of her own religious community. Rev Lynn’s life, spiritual journey is an example of her own observances of spiritual disciplines from her youth and present day. This project will help Rev Lynn, as a Spiritual Leader, to identify an area in our congregation that is overlooked and misunderstood by many because of lack of education. Also, this project will enable Rev Lynn to enhance and further develop her spiritual leadership by visiting other religious services and learning about their traditions. *Candidate feels the need to grow in the knowledge of the spiritual practices of other times and traditions, in order to better serve this diverse congregation.*

As Ecumenist - Rev Lynn is well versed on scripture and uses a variety of Bibles to get her message across to the congregants. However, Rev Lynn doesn’t visit spiritual/religious organizations outside of what she knows and is not able to use their beliefs in her worship service. *Candidate feels the need to embrace a willingness and develop the ability to foster dialogue and understanding across denominational, confessional, cultural or religious lines.*

As Witness or Evangelist - Rev. Lynn should “continue” in this competency. She is an effective communicator both inside and outside of the church. She is always ready to deliver the word through the gift of song. She speaks out (more now than before) and tells her story during our street ministry events. Rev. Lynn formed her own outreach ministry team offering food, prayer, information and general support to the LGBTQ population wherever they gather. Rev. Lynn extends warm, inviting “welcomes” to all, regardless of their faith and shies away from participating in any event that could be perceived as “sheep stealing” Rev. Lynn also uses prayer as the decision maker; advising the “sheep” to pray on the situation “for surely God will lead you where you should be.” *Candidate wants to increase a willingness to confess fundamental faith commitments in the face of hostility, in life-giving ways.*

As Administrator – In regular situations, Rev. Lynn excels in this competency, but for this task, attention needs to be given. This is a new task that deals with a community unfamiliar to her, as it is to many of us. Much of the development of the goals, strategies, implementation and the evaluation process will be trial and error as she works through each element of her presentation. Some elements within this competency will not change for Rev. Lynn. She is efficient, organized and detail oriented. *Candidate feels the need to increase/improve her ability to establish realistic goals.*

As Professional - People enjoy talking with Rev Lynn and asking her for advice. One knows that Rev Lynn's advice is from an honest place. Rev Lynn is called upon to do many things in and around the Church; unfortunately, she is not able to say "no." Rest assured the job will get done without flaws. To reach this high standard Rev Lynn has set, she is often overwhelmed and worn out. *Candidate feels the need to develop her ability in limiting her workload to what is do-able, develop her ability to say "no" when warranted and be more intentional in regards to practicing self care.*

Candidate feels that this process was insightful and helpful and is grateful that the team pressed past their initial insecurities regarding this process and allowed Spirit to speak through them.

Competencies Chosen for Development

I. As PROPHETIC AGENT: To show sensitivity to and/or empathy with victims of social injustice while demonstrating a willingness to embrace risk in order to create social change.

Strategies:

- A. I will volunteer at least 3 hours per week at a social justice organization that advocates and/or serves the transgender community.
- B. I will contact the servicing Police Precinct, neighboring shelters and the Assemblyman that covers the church zip code to discuss LGBTQ issues.
- C. I will attend the Philadelphia Trans Health Conference to be held June 13-15, 2013 to secure additional information on social injustice perpetrated against transgenders.

Evaluations:

- 1. At the end of the project, I will obtain a written evaluation from the social justice organization.
- 2. I will prepare a Fact Sheet that reflects the information obtained from meeting with the Police Department, neighboring shelters and Assemblyman, which will be available to the congregation and included in my dissertation as an appendix.
- 3. I will present new information gained from the Trans Health Conference during the Transgender Workshop.

II. As ECUMENIST: To gain knowledge and appreciation of other denominations, confessional, cultural and/or religious traditions and have a willingness and ability to foster dialogue and understanding across denominational, confessional, cultural and religious lines.

Strategies:

- A. I will attend services at three (3) different denominations in order to observe and gain knowledge regarding other religious traditions.
- B. I will interview at least two leaders of other denominations who are committed to the spiritual formation of LGBTQ persons.

Evaluations:

1. I will prepare a 3 to 5 page paper to identify and discuss the similarities and differences of these denominations and submit this document as an appendix in my dissertation.
2. I will identify the relevancy of the information received from the interviews and utilize it as a resource for my personal ministry and spiritual development.

III. As PROFESSIONAL: To gain skills in limiting the workload to what is do-able, develop the ability to say “no” when warranted, increase the ability to establish concrete and realistic goals and increase practice of self care.

Strategies:

1. I will attend a yoga class and getting a professional massage at least quarterly.
2. I will read *Rest In The Storm: Self-Care Strategies for Clergy and Other Caregivers* by Kirk Byron Jones and *The Spiritual Leader's Guide to Self-Care* by Rochelle Melander and Harold Eppley.

Evaluation:

1. I will request an evaluation from the Site Team members based on their observations of my ability to maintain limitations on my workload.
2. Based on the book readings, I will prepare and deliver a workshop on self-care to the clergy. I will request an evaluation of the workshop by all who attend.

Appendix 1: TIMELINE

Date	Task/Activity	Tools/Necessary to Complete Task	Person(s) Responsible
2/2013	Proposal Approval By Director		
2/2013	Meet with Advisor	Copy of Approved Proposal	Me
2/2013	Meet with Site Team	Copy of Approved Proposal	Me
02/2013	Meet with Site Team	Proposal	Me & Site Team
3/2013	Goal 1-Strategy 1 – Congregational Survey	Survey	S. Williams, D. McKeever & Dr. Battle
3/2013	Goal 2 – Strategy 1 - Recruitment for Strategic Outreach Team / Training	Questionnaire Interviews	C. Morgan, R. White & Me
3/2013	Goal 3 – Strategy 1 - Meet with New Membership Curriculum Development Liaison	Transgender Inclusive scripture and curriculum	Senior Bishop & Me
03/2013	Meet with Advisor	Goal/Strategy Updates	Me
03/2013	Meet with Site Team	Updates	Site Team
03/2013	Goal 3 – Strategy 2 - Attend and present at clergy and deaconate monthly meeting	Training curriculum on clergy responsibility to transgenders	Senior Bishop & Me
03/2013	Goal 1 – Strategy 2	Sermon Delivery (1)	Me
03/2013	Goal 2 – Strategy 2	Select participants and schedule training	C. Morgan, R. White & Me

03/2013	Library Time for Writing, Research, & Evaluation	All of the paperwork and information gathered	Me
04/2013	Meet with Site Team	Location – Film Advertisement Audio Technician	C. Morgan & D. McKeever
04/2013	Goal 1 – Strategy 3	Film Presentation (1)	C. Morgan & D. McKeever
04/2013	Meet with Advisor	Goal/Strategy Updates	Me
04/2013	Goal 1 – Strategy 2	Sermon Delivery (2)	Me
04/2013	Goal 2 – Strategy 2 - Orientation	Strategic Outreach Training curriculum	C. Morgan, R. White & Me
04/2013	Goal 2 - Strategy 4 - Transgender Monthly group meeting	Facilitator	R. White, D. Calderon, C. Johnson
04/2013	Goal 3 – Strategy 2 - Attend and present at clergy and deaconate monthly meeting	Training curriculum on clergy responsibility to transgenders	Senior Bishop & Me
04/2013	Library Time for Writing, Research, & Evaluation	All of the paperwork and information gathered	Me
05/2013	Meet with Advisor	Goal/Strategy Updates	Me
05/2013	Goal 1 – Strategy 2	Sermon Delivery (3)	Me
05/2013	Meet with Site Team	Updates / Feedback	Site Team
05/2013	Goal 3 – Strategy 2 - Attend and present at clergy and deaconate monthly meeting	Training curriculum on clergy responsibility to transgenders	Senior Bishop & Me
05/2013	Goal 1 – Strategy 3	Film Presentation (2)	C. Morgan & D. McKeever
05/2013	Goal 2 – Strategy 3 Strategic Outreach Team Monthly	Feedback	C. Morgan, R. White, D. Calderon &

	Meeting		Me
05/2013	Goal 2 - Strategy 4 Goal 2 – Strategy 5 Transgender Monthly group meeting	Facilitator Performing Arts Minister	R. White, D. Calderon, C. Johnson & Me W. Curtis
05/2013	Goal 3 – Strategy 2 - Attend and present at Executive Leadership Quarterly Meeting	Training curriculum on leadership responsibility to transgenders	Senior Bishop & Me
05/2013	Library Time for Writing, Research, & Evaluation	All of the paperwork and information gathered	Me
06/2013	Meet with Advisor	Goal/Strategy Updates	Me
06/2013	Meet with Site Team	Updates / Feedback	Site Team
06/2013	Goal 1 – Strategy 2	Sermon Delivery (4)	Me
06/2013	Goal 1 – Strategy 3	Film Presentation (3)	C. Morgan & D. McKeever
06/2013	Goal 2 – Strategy 3 Strategic Outreach Team Monthly Meeting	Feedback	C. Morgan, R. White, D. Calderon & Me
06/2013	Goal 2 - Strategy 4 Goal 2 – Strategy 5 - Transgender Monthly group meeting	Facilitator Performing Arts Minister	R. White, D. Calderon, C. Johnson & Me W. Curtis
06/2013	Goal 3 – Strategy 3 – Leadership Training	Training curriculum on leadership responsibility to transgenders	Me
06/2013	Goal 3 – Strategy 4 – Unity in Community open discussion forum	Curriculum on Transgenderism	Rev. Nora & Me
06/2013	Goal 3 – Strategy 2 - Attend and present at clergy and deaconate	Training curriculum on clergy responsibility to	Senior Bishop &

	monthly meeting	transgenders	Me
06/2013	Library Time for Writing, Research, & Evaluation	All of the paperwork and information gathered	Me
07/2013	Meet with Advisor	Goal/Strategy Updates	Me
07/2013	Meet with Site Team	Updates / Feedback	Site Team
07/2013	Goal 3 – Strategy 3 – Leadership Training	Training curriculum on leadership responsibility to transgenders	Me
07/2013	Goal 2 – Strategy 3 Strategic Outreach Team Monthly Meeting	Feedback	C. Morgan, R. White, D. Calderon & Me
07/2013	Goal 2 - Strategy 4 Goal 2 – Strategy 5 - Transgender Monthly group meeting	Facilitator Performing Arts Minister	R. White, D. Calderon, C. Johnson & Me W. Curtis
07/2013	Goal 3 – Strategy 2 - Attend and present at clergy and deaconate monthly meeting	Training curriculum on clergy responsibility to transgenders	Senior Bishop & Me
07/2013	Goal 3 – Strategy 2 - Attend and present at Executive Leadership Quarterly Meeting	Training curriculum on leadership responsibility to transgenders	Senior Bishop & Me
07/2013	Library Time for Writing & Research	All of the paperwork and information gathered	Me
08/2013	Meet with Advisor	Goal/Strategy Updates	Me
08/2013	Meet with Site Team	Updates / Feedback	Site Team
08/2013	Goal 1 – Strategy 3	Film Presentation (4)	C. Morgan & D. McKeever
08/2013	Goal 3 – Strategy 2 - Attend and present at clergy and deaconate monthly meeting	Training curriculum on clergy responsibility to transgenders	Senior Bishop & Me
08/2013	Goal 2 – Strategy 3 - Strategic	Feedback	C. Morgan,

	Outreach Team Monthly Meeting		R. White, D. Calderon & Me
08/2013	Goal 2 - Strategy 4 Goal 2 – Strategy 5 Transgender Monthly group meeting	Facilitator Performing Arts Minister	R. White, D. Calderon, C. Johnson & Me W. Curtis
08/2013	Goal 1 – Strategy 4 Workshop on Transgenderism	Flyers, advertisement, location	Site Team
08/2013	Goal 1 – Strategy 4 Workshop on Transgenderism	Subject Matter Expert	Site Team
08/2013	Goal 1 – Strategy 4 Workshop on Transgenderism	Evaluation	R. White, D. Calderon, C. Johnson & Me
08/2013	Library Time for Writing & Research	All of the paperwork and information gathered	Me
09/2013	Meet with Advisor	Goal/Strategy Updates	Me
09/2013	Meet with Site Team	Updates / Feedback	Site Team
09/2013	Goal 2 – Strategy 3 - Strategic Outreach Team Monthly Meeting	Feedback	C. Morgan, R. White, D. Calderon & Me
09/2013	Goal 2 - Strategy 4 Goal 2 – Strategy 5 - Transgender Monthly group meeting	Facilitator Performing Arts Minister	R. White, D. Calderon, C. Johnson & Me W. Curtis
09/2013	Goal 3 – Strategy 2 - Attend and present at clergy and deaconate monthly meeting	Training curriculum on clergy responsibility to transgenders	Senior Bishop & Me
09/2013	Library Time for Writing & Research	All of the paperwork and information gathered	Me

10/2013	Meet with Advisor	Goal/Strategy Updates	Me
10/2013	Meet with Site Team	Updates / Feedback	Site Team
10/2013	Goal 2 – Strategy 3 Strategic Outreach Team Monthly Meeting	Feedback	C. Morgan, R. White, D. Calderon & Me
10/2013	Goal 3 – Strategy 2 - Attend and present at Executive Leadership Quarterly Meeting	Training curriculum on leadership responsibility to transgenders	Senior Bishop & Me
10/2013	Goal 2 - Strategy 4 Transgender Monthly group meeting	Facilitator	R. White, D. Calderon, C. Johnson & Me
10/2013	Goal 3 – Strategy 2 - Attend and present at clergy and deaconate monthly meeting	Training curriculum on clergy responsibility to transgenders	Senior Bishop & Me
10/2013	Library Time for Writing, Research, & Evaluation	All of the paperwork and information gathered	Me
11/2013	Meet with Advisor	Goal/Strategy Updates	Me
11/2013	Meet with Site Team	Updates / Feedback	Site Team
11/2013	Goal 2 – Strategy 3 - Strategic Outreach Team Monthly Meeting	Feedback	C. Morgan, R. White, D. Calderon & Me
11/2013	Goal 2 - Strategy 4 Transgender Monthly group meeting	Facilitator	R. White, D. Calderon, C. Johnson & Me
11/2013	Evaluation – Clergy, Deaconate, Outreach Team	Data	S. Williams, D. McKeever & Dr. Battle

11/2013	Library Time for Writing, Research & Evaluation	All of the paperwork and information gathered	Me
12/2013	Meet with Advisor	Goal/Strategy Updates	Me
12/2013	Meet with Site Team	Updates / Feedback	Site Team
12/2013	Goal 2 – Strategy 3 - Strategic Outreach Team Monthly Meeting	Feedback	C. Morgan, R. White, D. Calderon & Me
12/2013	Goal 2 - Strategy 4 Transgender Monthly group meeting	Facilitator	R. White, D. Calderon, C. Johnson & Me
12/2013	Goal 3 – Strategy 2 - Attend and present at clergy and deaconate monthly meeting	Evaluation Data	Senior Bishop & Me
12/2013	Library Time for Writing, Research. & Evaluation	All of the paperwork and information gathered	Me
01/2014	Submit first full Demonstration Project draft		Me

Appendix 2: BUDGET

Date	Task/Activity	Tools/Necessary to Complete Task	Person Responsible	Budgetary Consideration / Cost	Source of Funding
2/2013	Proposal Approval By Director				
2/2013	Meet with Advisor	Copy of Approved Proposal	Me	\$5.00	Me
2/2013	Meet with Site Team	Copy of Approved Proposal	Me	\$20.00	Site Team*
3/2013	Goal 1- Strategy 1 – Congrega- tional Survey	Survey	S. Williams, D. McKeeve r, & Dr. Battle	\$25.00	Site Team*
3/2013	Goal 2 – Strategy 1 - Recruitment for Strategic Outreach Team / Training	Questionnaire Interviews	C. Morgan, R. White & Me	\$50.00	In kind contribu- tion from local church
3/2013	Goal 3 – Strategy 1 - Meet with New Membership Curriculum Development Liaison	Transgender Inclusive scripture and curriculum	Senior Bishop, Rev. Nora, & Me	-0-	

3/2013	Meet with Advisor	Goal/Strategy Updates	Me	\$5.00	Me
3/2013	Meet with Site Team	Updates	Site Team	\$20.00	Site Team*
3/2013	Goal 3 – Strategy 2 - Attend and present at clergy and deaconate monthly meeting	Training curriculum on clergy responsibility to transgenders	Senior Bishop & Me	\$10.00	Site Team*
3/2013	Goal 1 – Strategy 2	Sermon Delivery (1)	Me	-0-	
3/2013	Goal 2 – Strategy 2	Select participants and schedule training	C. Morgan, R. White, & Me	\$10.00	Me
3/2013	Library Time for Writing, Research, & Evaluation	All of the paperwork and information gathered	Me	-0-	
4/2013	Meet with Site Team	Location – Film Advertisement Audio Technician	C. Morgan & D. McKeeve r	\$20.00	Site Team*
4/2013	Goal 1 – Strategy 3	Film Presentation (1) & Evaluation	C. Morgan & D. McKeeve r	\$100.00	In kind contribu- tion by local church
4/2013	Meet with Advisor	Goal/Strategy Updates	Me	\$5.00	Me
4/2013	Goal 1 – Strategy 2	Sermon Delivery (2)	Me	-0-	
4/2013	Goal 2 – Strategy 2 –	Strategic Outreach	C. Morgan,	\$20.00	Site Team*

	Orientation	Training curriculum	R. White,& Me		
4/2013	Goal 2 – Strategy 4 Transgender Monthly group meeting	Facilitator	R. White, D. Calderon, C. Johnson	\$20.00	In kind by group
4/2013	Goal 3 – Strategy 2 - Attend and present at clergy and deaconate monthly meeting	Training curriculum on clergy responsibility to transgenders	Senior Bishop & Me	\$10.00	Site Team*
4/2013	Library Time for Writing, Research, & Evaluation	All of the paperwork and information gathered	Me	-0-	
5/2013	Meet with Advisor	Goal/Strategy Updates	Me	\$5.00	Me
5/2013	Goal 1 – Strategy 2	Sermon Delivery (3)	Me	-0-	
5/2013	Meet with Site Team	Updates / Feedback	Site Team	\$20.00	Site Team*
5/2013	Goal 3 – Strategy 2 - Attend and present at clergy and deaconate monthly meeting	Training curriculum on clergy responsibility to transgenders	Senior Bishop & Me	\$10.00	Site Team*
5/2013	Goal 1 – Strategy 3	Film Presentation (2) & Evaluation	C. Morgan & D. McKeeve r	\$100.00	In kind contributio n from local church

5/2013	Goal 2 – Strategy 3 Strategic Outreach Team Monthly Meeting	Feedback	C. Morgan, R. White, D. Calderon, & Me	\$25.00	Site Team*
5/2013	Goal 2 - Strategy 4 Goal 2 – Strategy 5 Transgender Monthly group meeting	Facilitator Performing Arts Minister	R. White, D. Calderon, C. Johnson, & Me W. Curtis	\$20.00	In kind by group
5/2013	Goal 3 – Strategy 2 - Attend and present at Executive Leadership Quarterly Meeting	Training curriculum on leadership responsibility to transgenders	Senior Bishop & Me	-0-	
5/2013	Library Time for Writing, Research, & Evaluation	All of the paperwork and information gathered	Me	-0-	
6/2013	Meet with Advisor	Goal/Strategy Updates	Me	\$5.00	Me
6/2013	Meet with Site Team	Updates / Feedback	Site Team	\$20.00	Site Team*
6/2013	Goal 1 – Strategy 2	Sermon Delivery (4)	Me	-0-	
6/2013	Goal 1 – Strategy 3	Film Presentation (3) & Evaluation	C. Morgan & D. McKeeve r	\$100.00	In kind contributio n from local church

6/2013	Goal 2 – Strategy 3 Strategic Outreach Team Monthly Meeting	Feedback	C. Morgan, R. White, D. Calderon, & Me	\$25.00	Site Team*
6/2013	Goal 2 - Strategy 4 Goal 2 – Strategy 5 Transgender Monthly group meeting	Facilitator Performing Arts Minister	R. White, D. Calderon, C. Johnson, & Me W. Curtis	\$20.00	In kind by group
6/2013	Goal 3 – Strategy 3 – Leadership Training	Training curriculum on leadership responsibility to transgenders	Me	\$50.00	In kind contributio n from local church
6/2013	Goal 3 – Strategy 4 – Unity in Community open discussion forum	Curriculum on Transgenderism	Rev. Nora & Me	\$25.00	Site Team*
6/2013	Goal 3 – Strategy 2 - Attend and present at clergy and deaconate monthly meeting	Training curriculum on clergy responsibility to transgenders	Senior Bishop & Me	\$10.00	Site Team*
6/2013	Library Time for Writing, Research, & Evaluation	All of the paperwork and information gathered	Me	-0-	
7/2013	Meet with	Goal/Strategy	Me	\$5.00	Me

	Advisor	Updates			
7/2013	Meet with Site Team	Updates / Feedback	Site Team	\$20.00	Site Team
7/2013	Goal 3 – Strategy 3 – Leadership Training	Training curriculum on leadership responsibility to transgenders	Me	\$50.00	In kind contribution from local church
7/2013	Goal 2 – Strategy 3 Strategic Outreach Team Monthly Meeting	Feedback	C. Morgan, R. White, D. Calderon, & Me	\$25.00	Site Team*
7/2013	Goal 2 - Strategy 4 Goal 2 – Strategy 5 Transgender Monthly group meeting	Facilitator Performing Arts Minister	R. White, D. Calderon, C. Johnson, & Me W. Curtis	\$20.00	In kind by group
7/2013	Goal 3 – Strategy 2 - Attend and present at clergy and deaconate monthly meeting	Training curriculum on clergy responsibility to transgenders	Senior Bishop & Me	\$10.00	Site Team*
7/2013	Goal 3 – Strategy 2 - Attend and present at Executive Leadership Quarterly Meeting	Training curriculum on leadership responsibility to transgenders	Senior Bishop & Me	-0-	
7/2013	Library Time	All of the	Me	-0-	

	for Writing & Research	paperwork and information gathered			
8/2013	Meet with Advisor	Goal/Strategy Updates	Me	\$5.00	Me
8/2013	Meet with Site Team	Updates / Feedback	Site Team	\$20.00	Site Team*
8/2013	Goal 1 – Strategy 3	Film Presentation (4) & Evaluation	C. Morgan & D. McKeeve r	\$100.00	
8/2013	Goal 2 – Strategy 3 Strategic Outreach Team Monthly Meeting	Feedback	C. Morgan, R. White, D. Calderon, & Me	\$25.00	Site Team*
8/2013	Goal 2 - Strategy 4 Goal 2 – Strategy 5 Transgender Monthly group meeting	Facilitator Performing Arts Minister	R. White, D. Calderon, C. Johnson, & Me W. Curtis	\$20.00	In kind by group
8/2013	Goal 1 – Strategy 4 Workshop on Transgenderism	Flyers, advertisement, location	Site Team	\$75.00	Site Team*
8/2013	Goal 1 – Strategy 4 Workshop on Transgenderism	Subject Matter Expert	Site Team	\$1,750.00	In kind contribution from MERSK

8/2013	Goal 1 – Strategy 4 Workshop on Transgender men	Evaluation	R. White, D. Calderon, C. Johnson & Me	-0-	
9/2013	Meet with Advisor	Goal/Strategy Updates	Me	\$5.00	Me
9/2013	Meet with Site Team	Updates / Feedback	Site Team	\$20.00	Site Team*
9/2013	Goal 2 – Strategy 3 Strategic Outreach Team Monthly Meeting	Feedback	C. Morgan, R. White, D. Calderon, & Me	\$25.00	Site Team*
9/2013	Goal 2 - Strategy 4 Goal 2 – Strategy 5 Transgender Monthly group meeting	Facilitator Performing Arts Minister	R. White, D. Calderon, C. Johnson, & Me W. Curtis	\$20.00	In kind by group
9/2013	Goal 3 – Strategy 2 - Attend and present at clergy and deaconate monthly meeting	Training curriculum on clergy responsibility to transgender	Senior Bishop & Me	\$10.00	Site Team*
9/2013	Library Time for Writing & Research	All of the paperwork and information gathered	Me	-0-	
10/2013	Meet with Advisor	Goal/Strategy Updates	Me		

10/2013	Meet with Site Team	Updates / Feedback	Site Team	\$20.00	Site Team*
10/2013	Goal 2 – Strategy 3 Strategic Outreach Team Monthly Meeting	Feedback	C. Morgan, R. White, D. Calderon, & Me	\$25.00	Site Team*
10/2013	Goal 3 – Strategy 2 - Attend and present at Executive Leadership Quarterly Meeting	Training curriculum on leadership responsibility to transgenders	Senior Bishop & Me	-0-	
10/2013	Goal 2 - Strategy 4 Transgender Monthly group meeting	Facilitator	R. White, D. Calderon, C. Johnson, & Me	\$20.00	In kind by group
10/2013	Goal 3 – Strategy 2 - Attend and present at clergy and deaconate monthly meeting	Training curriculum on clergy responsibility to transgenders	Senior Bishop & Me	\$10.00	Site Team*
10/2013	Library Time for Writing, Research & Evaluation	All of the paperwork and information gathered	Me	-0-	
11/2013	Meet with Advisor	Goal/Strategy Updates	Me	\$5.00	Me
11/2013	Meet with Site Team	Updates / Feedback	Site Team	\$20.00	Site Team*

11/2013	Goal 2 – Strategy 3 Strategic Outreach Team Monthly Meeting	Feedback	C. Morgan, R. White, D. Calderon, & Me	\$25.00	Site Team*
11/2013	Goal 2 - Strategy 4 Transgender Monthly group meeting	Facilitator	R. White, D. Calderon, C. Johnson, & Me	\$20.00	In kind by group
11/2013	Evaluation – Clergy, Deaconate, Outreach Team	Data	S. Williams, D. McKeeve r & Dr. Battle	\$10.00	Site Team*
11/2013	Library Time for Writing, Research & Evaluation	All of the paperwork and information gathered	Me	-0-	
12/2013	Meet with Advisor	Goal/Strategy Updates	Me	\$5.00	Me
12/2013	Meet with Site Team	Updates / Feedback	Site Team	\$20.00	Site Team*
12/2013	Goal 2 – Strategy 3 Strategic Outreach Team Monthly Meeting	Feedback	C. Morgan, R. White, D. Calderon, & Me	\$25.00	Site Team*
12/2013	Goal 2 - Strategy 4 Transgender Monthly group	Facilitator	R. White, D. Calderon, C. Johnson,	\$20.00	In kind by group

	meeting		& Me		
12/2013	Goal 3 – Strategy 2 - Attend and present at clergy and deaconate monthly meeting	Training curriculum on clergy responsibility to transgenders	Senior Bishop & Me	\$10.00	Site Team*
12/2013	Library Time for Writing, Research & Evaluation	All of the paperwork and information gathered	Me	-0-	
01/2014	Submit first full Demonstration Project draft		Me		

*The Site Team agreed to raise funds for the various activities of the demonstration project.

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APPENDIX B
CHURCH & COMMUNITY RESOURCE LISTINGS

**List of Church/Community
Resources of Interest to the Transgender Community**

Other voices from Welcoming Denominations and groups that affirm diversity include Affirm (United Church of Canada); The Affirming Pentecostal Church International (APCI); The Evangelical Anglican Church of America (not in full communion with the Archbishop of Canterbury); Integrity Canada (Anglican); Changing Attitude (Anglican); Proud Anglicans of Canada (Anglican); Alliance of Baptists (Baptist) Alliance posts a commitment to “inclusiveness” on their website but does not explain what that means to them; Baptist Peace Fellowship; The Association of Welcoming and Affirming Baptists; American Catholic Church in the United States; Catholic Apostolic Church in North America (CACINA); Christ Catholic Church; Dignity USA (Roman Catholic); Ecumenical Catholic Communion; Evangelical Catholic Church; Independent Catholic Christian Church; The Orthodox Catholic Church of America; The Reformed Catholic Church; Old Catholic Church of the Netherlands; United Catholic Church; United Ecumenical Catholic Church Australia; The Liberal Catholic Church; The American National Catholic Church; Welcoming Roman Catholic Church; GALA: Gay and Lesbian Acceptance (Community of Christ); G.L.A.D. (Gay, Lesbian, and Affirming Disciples) Alliance (Disciples of Christ); Integrity USA / Episcopal Church; Integrity El Camino Real California / Episcopal Church; Integrity Virginia / Episcopal Church; Oasis California / Episcopal Church; Oasis Missouri / Episcopal Church; Oasis – National List / Episcopal Church; The Bishop’s Commission on Gay and Lesbian Ministry Los Angeles / Episcopal Church; Independent Greek Orthodox Church of the United States; International Christian Community Churches (ICCC); Lutherans Concerned North America / Evangelical Lutheran Church; Metropolitan Community Churches (MCC); Mennonite/Brethren Mennonite Council for Lesbian, Gay, Bisexual and Transgender Interests; Global Alliance of Affirming Apostolic

Pentecostals (GAAAP); Covenant Network of Presbyterians / Presbyterian Church (USA); More Light Presbyterian / Presbyterian Church (USA); Friends for Lesbian, Gay, Bisexual, Transgender, and Queer Concerns (Quaker); The Evangelical Network (TEN) (Charismatic); UCC Coalition (United Church of Christ) – Open and Affirming (ONA) Program; United Church of Christ; Reconciling Ministries Network / UMC (United Methodist Church); Reconciling Pentecostals International and Unitarian Universalist Association.¹

Additionally, of the many voices and sources that I believe help us to understand and interpret this doctrine, I will call out the voices, the experiences, and the dreams of the transgenders in our communities: the founder Archbishop Carl Bean, who embraced liberation theology (a term invented in 1971 by the Peruvian priest, Gustavo Gutierrez, author of *A Theology of Liberation*, one of the movement's most famous books). Other noted exponents of liberation theology are Leonardo Boff and Clodovis Boff (*Introducing Liberation Theology*, 1987), of Brazil. Other voices include those of Senior Bishop Zachary G. Jones, founder of UFC –NYC; Bishop Tonyia M. Rawls, founder UFC-Charlotte; Bishop Jacqueline Holland, Founder, Liberation in Truth / UFC, Newark, New Jersey; James H. Cone (*A Black Theology of Liberation* [2010], *God of the Oppressed* [1997], and *The Cross And The Lynching Tree* [2011]); Susan Frank Parsons (*The Ethics of Gender*, 2001); Bell Hooks (*Teaching to Transgress*, 1994); Dr. Martin Luther King Jr.; Walter Rauschenbusch (*A Theology for the Social Gospel*, 1917); Paulo Freire (*Pedagogy of the Oppressed*, 1968); Peter Gomes (*The Good Book*, 2002); Rev. Pat Bumgardner, Senior Pastor of Metropolitan Community Church of New York; Rabbi Sharon Kleinbaum, Senior Rabbi, Congregation Beit Simchat Torah; and Bishop Yvette Flunder, founder of City of Refuge, United Church of Christ.

¹ “Welcoming Gay Friendly Denominations,” http://www.gaychurch.org/Find_a_Church/Denominations/denominations.htm (accessed September 24, 2012).

Other community sources that provide current data needed to ensure that targeted issues are accurate are: Community Healthcare Network (CHN), serving transgenders in the Bronx and Jamaica Queens, accredited by the Joint Commission; Services and Advocacy for GLBT Elders (SAGE) and National Center for Transgender Equality (NCTE), who published *Improving the Lives of Transgender Older Adults: Recommendations for Policy and Practice*, May 2012; New York City Administration for Children's Services (*Community Resources for Lesbian, Gay, Bisexual, Transgender and Questioning [LGBTQ] Youth*, 2010); Gay Reunion In Our Time (GRIOT) Circle; National Black Justice Coalition (NBJC); New York State Division of Criminal Justice Services (DCJS); National Coalition of Anti-Violence Programs (NCAVP), National Advocacy for Local LGTBQH Communities; and United Way of New York City (*Mapping Poverty in New York City: Pinpointing the Impact of Poverty, Community by Community*, January 2008).

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Griot Circle Inc. www.griotcircle.org (accessed January 3, 2013).

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International Seminary For Interfaith Studies (ISIS). www.isis-edu.org (accessed January 3, 2013).

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MHA-NYC New York City Innovations in Mental Health, Mental/Behavioral Health,
http://newyorkcity.ny.networkofcare.org/mh/services/agency.aspx?pid=InstituteForCommunityLivingIncEastNewYorkPROS_754_2_0 (accessed November 1, 2012).

The New Seminary for Interfaith Studies. www.new-seminary.com/?page_id=131 (accessed January 3, 2013).

NYC New York City Innovations in Mental Health, Mental/Behavioral

Health.http://newyorkcity.ny.networkofcare.org/mh/services/agency.aspx?pid=DepartmentOfHomelessServicesTheBrooklynWomensShelter_754_2_0 (accessed November 1, 2012).

New York Theological Seminary. www.nyts.edu/about-nyts/mission-statement/ (accessed January 3, 2013).

SpotCrime. Brooklyn, NY Crime Information and Alerts.
<http://spotcrime.com/ny/Brooklyn,east+Brooklyn> (accessed November 20, 2012)

Union Theological Seminary. www.utsnyc.edu/about/history-mission (accessed January 3, 2013).

United Progressive Pentecostal Church (UPPC). <http://www.nzodesigns.com/explore.html> (accessed September 24, 2012).

Unity Fellowship Church Movement. www.unityfellowshipchurch.org/mainsite/?page_id=7 (accessed January 1, 2013).

Welcoming Gay Friendly Denominations.
http://www.gaychurch.org/Find_a_Church/Denominations/denominations.htm (accessed September 24, 2012).

APPENDIX C

SURVEYS



Transgender Spiritual Formation Project

1. Do you consider yourself to be (choose one)?

- ☐ Clergy ☐ Deaconate ☐ Member ☐ Other

2. Which gender comes closest to describing you (choose one)?

- ☐ Transgender (Female to Male) ☐ Transgender (Male to Female)
☐ Male ☐ Female ☐ Queer ☐ Other

3. How old are you?

- ☐ Less than 24 years old ☐ 25 to 50 years old ☐ 51 years old or older

4. If someone were to ask you what does “transgender” mean, what would you provide as a definition?

5. The Mission Statement of UFC-NYC affirms transgenderism.

- ☐ Strongly Disagree ☐ Disagree ☐ Neutral ☐ Agree ☐ Strongly Agree

5a. In the space below, please explain why you feel this way.

6. Some people feel that lesbian, gay, and bisexual people are “born that way.” Do you feel the same about people who are transgender?

- ☐ Strongly Disagree ☐ Disagree ☐ Neutral ☐ Agree ☐ Strongly Agree

7. In the following questions, we would like to measure your knowledge about some issues concerning transgenderism.

- 7a. What percent of transgender New Yorkers have been homeless at one time? _____ %
- 7b. In New York State, Medicaid currently does not cover medical expenses related to transitioning (e.g., hormone injections). ☐ True ☐ False
- 7c. In New York State, transgenders are allowed to be legally married. ☐ True ☐ False
- 7d. Hate crimes can be committed against an individual, a group of individuals, and/or against public or private property. ☐ True ☐ False

8. How much do you agree with the following: Thinking about the larger LGBT community (and not necessarily this church), is the larger LGBT community supportive of transgender people?

- ☐ Strongly Disagree ☐ Disagree ☐ Neutral ☐ Agree ☐ Strongly Agree

8a. In the space below, please explain why you feel this way.

9. How much do you agree with the following statement: Now thinking specifically about this church (and not necessarily the larger LGBT community), is this church supportive of transgender people?

- ☐ Strongly Disagree ☐ Disagree ☐ Neutral ☐ Agree ☐ Strongly Agree

9a. In the space below, please explain why you feel this way.

10. In the past six months, have you experienced anything in this church that has raised your awareness concerning transgender issues?

- ☐ Strongly Disagree ☐ Disagree ☐ Neutral ☐ Agree ☐ Strongly Agree



*Transgender Spiritual
Formation Project*

Greetings Church Family & Friends,

In accordance with our commitment to 'The Habits of Highly Effective Churches' and with the approval of the Pastor's Board and New York Theological Seminary, we have embraced a project that will explore *conduits and barriers to transgender spiritual formation*. We will also implement a process to enhance spiritual development and foster increased mutual connectivity and support within this group and the church community.

Over the next few months we will offer a series of films, open forum discussions, biblical scripture references that address inclusivity and a special event presented by our transgender sisters and brothers. These activities will inform, educate and enlighten us regarding the transgender journey.

A team component comprised of clergy, laity, faith-based community organizations and transgenders will also receive training in strategic outreach for off-site activity. If you wish to volunteer for this team, please see the bulletin information on how to sign up. This team *requires a commitment* and a calendar of activities will be distributed shortly.

This project will provide us with additional opportunities to fellowship, discuss and wrestle with some of the issues of today in our society, community, church and possibly within ourselves.

Welcome to this process! Please begin this journey with us today by taking the Survey and turning it in as directed.

REV. LYNN R. SEXTON, M.DIV.

Acts 17:28

²⁸ 'For in him we live and move and have our being.'^[1] As some of your own poets have said, 'We are his offspring.'^[2] New International Version (NIV)



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APPENDIX D
FILM FORUM



*Transgender Spiritual
Formation Project*

COMMUNITY AGREEMENT

1. Confidentiality/Safe space
2. No unnecessary talking during the film
3. One person speaks at a time
4. Have respect for all opinions
5. Be sensitive to what others may be feeling
6. Cell phones on vibrate



***Transgender Spiritual
Formation Project***

MAY 4, 2013 FILM & DISCUSSION SIGN-UP

“I Plan to Attend”

<u>NAME</u>	<u>Number Attending</u>
1. _____	_____
2. _____	_____
3. _____	_____
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***Transgender Spiritual
Formation Project***

PRESENTS

"THY WILL BE DONE"

A film by Alice Dungan Bouvrie

*A transsexual woman's journey through
family and faith.*

FOLLOWED BY A GROUP DISCUSSION

SATURDAY, MAY 4, 2013

12 NOON – 3PM

AT

UNITY FELLOWSHIP OF CHRIST CHURCH, NYC

2578 ATLANTIC AVENUE

(BETWEEN GEORGIA & ALABAMA AVE)

BROOKLYN, NEW YORK 11207

Please RSVP 917-902-7361 for Refreshments



***Transgender Spiritual
Formation Project***

PRESENTS

Transgender Fellowship Meeting

SATURDAY, MAY 25, 2013

11AM

***FOLLOWED BY AN OPEN FORUM - FILM AND
DISCUSSION 12:00 – 3:00 PM***

AT

***UNITY FELLOWSHIP OF CHRIST CHURCH, NYC
2578 ATLANTIC AVENUE
(BETWEEN GEORGIA & ALABAMA AVE)
BROOKLYN, NEW YORK 11207***

ALL TRANSGENDERS ARE WELCOME

Please RSVP 917-902-7361 for Refreshments



***Transgender Spiritual
Formation Project***

PRESENTS

"CALL ME MALCOLM"

***A DOCUMENTARY FEATURE ABOUT ONE MAN'S STRUGGLE
WITH FAITH, LOVE AND GENDER IDENTITY***

FOLLOWED BY A GROUP DISCUSSION

SATURDAY, JUNE 1, 2013

12 NOON – 3PM

AT

***UNITY FELLOWSHIP OF CHRIST CHURCH, NYC
2578 ATLANTIC AVENUE
(BETWEEN GEORGIA & ALABAMA AVE)
BROOKLYN, NEW YORK 11207***

Please RSVP 917-902-7361 for Refreshments



***Transgender Spiritual
Formation Project***

PRESENTS



A FEATURE DOCUMENTARY

FOLLOWED BY A GROUP DISCUSSION

SATURDAY, JULY 6, 2013

12 NOON – 4PM

AT

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APPENDIX E
WHITE AFFAIR

IN PARTNERSHIP WITH THE
TRANSGENDER SPIRITUAL FORMATION PROJECT (TSFP)

AND

UNITY FELLOWSHIP OF CHRIST CHURCH, NYC

Please join the

TRANSGENDER FELLOWSHIP GROUP

At

"A WHITE AFFAIR"

'Celebrating Our Trans Experiences'

Friday, August 23, 2013

8:00 PM - 1:00 AM

FEATURING

Live Entertainment
Education
Dancing
Food & Drinks

Tickets: \$10.00

For Tickets please contact:

ufcnyc@aol.com

Rev. Lynn R. Sexton at regina_ls@men.com or 917-902-7361

Trustee Roger St. Clair at 718-385-2406

08-024



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FOR TICKETS PLEASE CONTACT:

ufcnyc@aol.com

REV. LYNN R. SEXTON AT regina_ls@men.com OR 917-902-7361

TRUSTEE ROGER ST. CLAIR AT 718-385-2406

St. Bishop Zachary Jones • Founder/Men's Committee Liaison • Rev. Valerie Holly, St. Pastor • Rev. Lynn Sexton, M.Div TULE Pastor

TRIVIA QUESTIONS

FRAN

1. A series of spontaneous, violent demonstrations against a police raid took place in the early morning hours of June 28, 1969, in the Greenwich Village neighborhood of New York City. They are frequently cited as the first instance in American history when people in the homosexual community fought back against a government-sponsored system that persecuted sexual minorities, and they have become the defining event that marked the start of the gay rights movement in the United States and around the world.

This event is known as - **Stonewall Riots**

REV. LYNN

2. I am 84 years old and I married my wife in 2007 in Canada. She passed away in 2009 and we were together for more than 40 years. Because of a certain policy that stipulated that marital benefits could only apply to a union between a man and a woman I was responsible for paying a federal fee of \$363,053.00 because of my inheritance, However, because this policy has been deemed unconstitutional, I stand to receive a refund of \$363,000.00 plus \$45,000 in interest.

What is the full name of the policy?

DEFENSE OF MARRIAGE ACT (DOMA)

FRAN

3. In 1959 I became the first widely-known person to have sex reassignment surgery. I was denied a marriage license in 1959 when I attempted to marry a man, and my fiancée lost his job when our engagement became public knowledge.

Who am I?

Christine Jorgensen (born in 1926 as George William Jorgensen, Jr.)

GROUP ACTIVITY

4. I can be a Noun or a Verb. I am the process, a movement, development or evolution from one form, stage or style. I can also be a period of changing from one state or condition to another. What am I?

TRANSITION

EXTRA QUESTIONS

Founded in 1985 as a small, two-room program with just over a dozen students by HMI in collaboration with the [New York City Department of Education](#)'s Career Education Center, this school, with a 92% graduation rate was created as an alternative education program for youth who find it difficult or impossible to attend their home schools due to threats, violence or harassment.

What is the name of this school and where is it located?

(HARVEY MILK/EAST VILLAGE)

I appear very strong and use superior strength or influence to intimidate others or someone, usually to force him/her to do what I want. I don't discriminate. I bring my intentions to the neighborhood, the workplace and even to the church.

Who am I?

A BULLY

APPENDIX F
HEALTH FAIR

Transgender Health Day

Saturday, Sept. 28, 2013

11:00 AM – 4:00 PM

Unity Fellowship Church

2578 Atlantic Ave

Brooklyn, NY 11207

(718) 385-2406

Rev. Lynn Sexton, Associate Pastor

Rev. Keith Holder

A Day of Health & Wellness

FEATURING:

Local Politicians

Clothing Give-a-Way

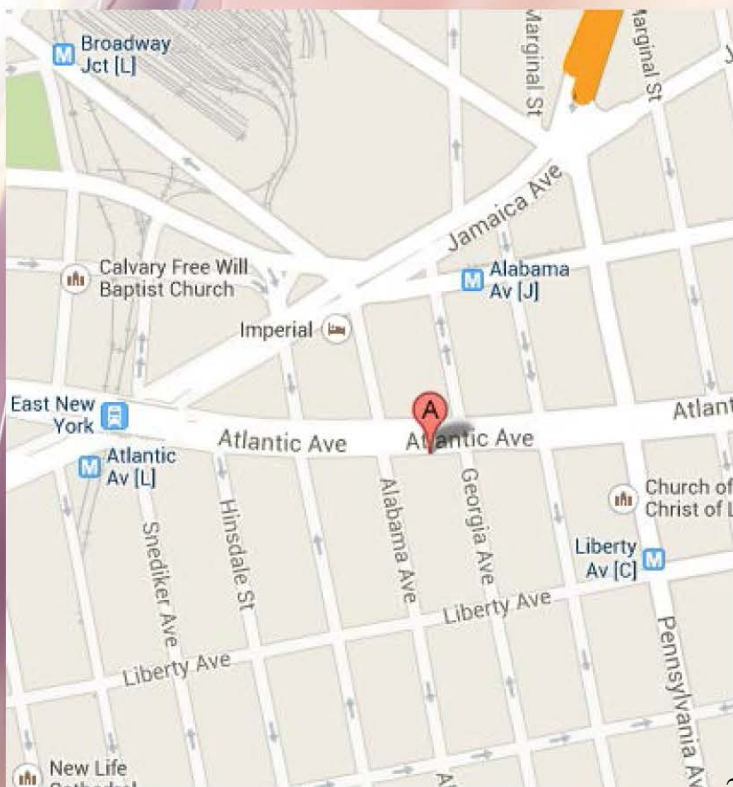
~ Makeovers • Music ~

Praise Dance • Prayer Station

TESTING (HIV & HEP B)

Speaker: Rev. Lynn Walker

Food/Lunch: (1pm – 2pm)



HOUSING WORKS
HARLEM UNITED

HELP/PSI
"Building Hope and Empowering Change"

APPENDIX G
TRANSGENDER DAY OF REMEMBRANCE

***TRANSGENDER FELLOWSHIP
GROUP***

"DAY OF REMEMBRANCE"

**NOVEMBER 20, 2013
7:00 PM**



***UNITY FELLOWSHIP OF CHRIST CHURCH, NYC
2578 ATLANTIC AVENUE
(BETWEEN GEORGIA & ALABAMA AVE)
BROOKLYN, NEW YORK 11207***

ALL ARE WELCOME

Transgender is frequently used to describe a broad range of identities and experiences that fall outside of the traditional understanding of gender. Therefore, in addition to those people who wish to transition from one gender to another or have done so (who are often described by the clinical term "transsexual"), transgender often is meant to encompass a larger community that includes, for example, crossdressers and intersex individuals. Some transgender people prefer to describe themselves as genderqueer, gender variant or gender nonconforming.

Not everyone who does not conform to gender stereotypes, however, identifies as transgender. In particular, there are many people who do not conform to gender stereotypes but also do not experience conflict between their gender identity and the gender assigned to them at birth.

TRANSSEXUAL

Transsexual is the clinical term used to describe people who experience a conflict between their physical sex and their gender identity. For example, a person born with a female body but with primarily a male gender identity is a transsexual male. Because the term has clinical roots, it is widely used to describe the subset of people who wish to alter, are altering, or have altered their bodies hormonally and/or surgically to match their gender identity. We have used transsexual in this way, while recognizing that there is no one course of medical treatment that is necessary for a transsexual individual.

(GENDER) TRANSITION

Transition or gender transition describes what is for some a long and complex process of altering a person's birth-assigned sex to match his or her gender identity. Gender transition can include hormone therapy, presenting full-time in the gender corresponding to one's gender identity, and, in some but not all cases, surgical interventions.

GENDER IDENTITY DISORDER/GENDER DYSPHORIA

Gender Identity Disorder has been the medical diagnosis for individuals who experience a disconnect between their birth-assigned sex and their gender identity since 1994. However, the American Psychiatric Association replaced the term "Gender Identity Disorder" with "Gender Dysphoria" in the 5th edition of its Diagnostic and Statistical Manual (DSM), released in May 2013, in part because labeling dissonance between one's gender identity and one's body a "disorder" stigmatizes transgender people.

SEX REASSIGNMENT SURGERY

This phrase is commonly used to describe certain forms of transition-related surgical procedures, and usually refers to genital reconstruction surgery. Notwithstanding its regular use, this terminology is faulty on numerous levels. First, it fails to reflect the fact that transition-related surgery is simply a necessary step for many transgender people to affirm (rather than reassign) their sex/gender. As a result, the preferred term for such procedures is gender confirmation and/or gender affirmation surgery. Second, many people and courts assume that "sex reassignment surgery" means only genital surgery, whereas there are in fact a number of surgical procedures that can be part of an individual's gender transition, including genital reconstruction surgery, breast augmentation or reduction, removal of the uterus and ovaries (for transgender men) or the testes (for transgender women) and facial surgery. Finally, some transgender people do not want or need to have surgery as part of their transition process.

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Source URL: <https://www.aclu.org/translaw>

case basis, taking into account factors like personal preference and safety needs, not solely based on their genitals. These regulations also limit the use of "protective custody" (which has sometimes resulted in severe isolation and torture-like experiences for transgender inmates), ban the use of segregated and potentially stigmatizing LGBTI units, require training for staff on communication with and treatment of transgender inmates, require improved avenues for reporting abuse and ban genital searches of transgender inmates just to determine their gender. As of June 2013, these regulations apply to all correctional facilities that receive federal funding, including most state prisons and local jails.

Do transgender prisoners have a right to get hormone therapy?

Since 2011, in federal prisons, federal halfway houses, and prisons that contract with the U.S. Bureau of Prisons, transgender inmates have had the right to receive an evaluation and, where applicable, a treatment plan for Gender Identity Disorder, consistent with the current standards of care. Unlike past practices, even inmates who had not been diagnosed with GID prior to incarceration are entitled to an evaluation and possible hormone therapy.

In state prisons, transgender prisoners have frequently been denied any transition-related health care. Using the argument that the Eighth Amendment to the Constitution prohibits cruel and unusual punishment, including deliberate indifference to a prisoner's medical needs, some prisoners have been able to persuade judges to order prison officials to provide hormone therapy and/or surgery. In 2011, the Seventh Circuit affirmed a ruling striking down as unconstitutional a Wisconsin state law that banned hormone therapy and gender confirming surgery for transgender inmates. By and large, however, courts are reluctant to order prisons to provide particular forms of medical care, especially those that prison medical officials think are not "medically necessary."

Transgender Immigrants

May a transgender immigrant be granted asylum in the United States because of anti-transgender harassment in his or her country of origin?

Yes. More and more transgender immigrants are being granted asylum after making the case that they've been persecuted at home because of their failure to conform to cultural expectations regarding gender roles and/or sexual orientation. While many of the courts addressing the issue confuse sexual orientation with gender identity, it is clear that transgender people are a "particular social group" entitled to the protection of asylum laws.

A transgender person, however, must do more than show that he or she is transgender and was persecuted because of it in order to get asylum. The individual must also prove either that the government persecuted him or her or refused to do anything to stop the abuse.

Notes on Words and Phrases Used

When talking about transgender people, we sometimes use words relatively unfamiliar to nontransgender people. To make sure there's no confusion, here's what we mean by these terms:

GENDER IDENTITY

Gender identity is a person's internal sense of being a man or a woman.

GENDER EXPRESSION

The way a person reveals his or her gender identity is gender expression. A person's clothing, mannerisms, voice, etc., can all be a part of the person's gender expression.

TRANSGENDER

There is very little law on this issue, but the first court decision on it was good. In 2000, a Massachusetts court ruled that a woman could not be denied breast reconstruction surgery that was medically necessary for reasons unrelated to her gender transition simply because she is transsexual. In a more sweeping development, California passed a law in 2005 prohibiting health, disability, and life insurance companies from discriminating on the basis of gender identity.

Criminal Law and Transgender People

Are there laws that prohibit hate or bias crimes against transgender people?

Yes. A federal law protecting transgender people from hate crimes passed Congress in 2009, and was signed into law by President Obama. Furthermore, some states have transgender-inclusive hate crime laws. California, Colorado, Connecticut, Delaware, , Hawaii, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, Washington, and the District of Columbia explicitly protect transgender people in their hate crime laws. Transgender individuals also might find protection in states such as Arizona, Illinois, Iowa, Kansas, Louisiana, New York, Nevada, New Hampshire, Tennessee, and Wisconsin, where hate crime laws cover perceived sexual orientation. A list of "Jurisdictions with Transgender-Inclusive Hate Crime Laws" is available at <http://transgenderlaw.org/hatecrimelaws/index.htm>.

Is cross-dressing against the law

In general, no. Bans on cross-dressing have been successfully challenged and many cities have taken steps in recent years to remove even unenforced laws banning cross-dressing from their books. However, a few localities (e.g. Benson, Minnesota; Haddon Township, Hillsborough Township, Montvale, Paulsboro, Pilesgrove Township, Ridgely, South River, Woodbury and Woodcliff Lake, New Jersey; Meadville, Pennsylvania) still have such laws in place. Anyone ticketed or arrested under a cross-dressing law should think about fighting back in court, because there's a good chance that the law will be ruled unconstitutional.

Can a transgender individual run into legal trouble for using a restroom that is consistent with his or her gender identity?

When strong anti-discrimination protections are not in place, transgender people can be subject to criminal penalties for using a restroom that is consistent with their gender identity. In Dallas, for example, a transgender woman was ticketed for disorderly conduct in 2012 for using the women's bathroom in a hospital. In contrast, a discrimination complaint filed by a transgender woman who was arrested in New York City's Grand Central Station for using the women's restroom ultimately resulted in a 2006 settlement securing a more inclusive policy on restroom use in New York's Metropolitan Transit Authority system.

Transgender Rights in Prison

Are prison officials required to place a transgender inmate in the facility that matches the inmate's gender identity?

When considering this question, most courts have supported the decision of prison officials about where a prisoner should be housed. Most prisons still categorically house transgender women (particularly those who have not undergone genital surgery) in male facilities, and transgender men in female facilities. Nevertheless, a growing number of prison systems are developing more respectful housing policies, in part because they fear being held liable in court if they fail to protect transgender inmates from rape and other forms of abuse.

In June 2012, the federal Department of Justice enacted regulations pursuant to the Prison Rape Elimination Act that require determination of appropriate housing for transgender inmates on a case-by-

Health Care Coverage

Do any government health care programs cover transition-related surgery or other transition-related medical treatment

Generally speaking, it is difficult to get Medicaid coverage for transition-related treatment. No state explicitly permits it, and many states explicitly deny it. In those that do not explicitly permit or deny it, coverage may still be denied based on claims that transition-related treatment is "experimental" or "cosmetic." In California, however, transgender people have been successful in securing Medicaid coverage for the costs of transition-related care.

Medicare explicitly excludes coverage for transition-related surgery. However, when prescribed by a physician, Medicare covers medically necessary hormone therapy. While the managed health care program for active duty and retired armed forces members does not cover gender confirming surgeries, it does cover all other medically necessary treatment for transgender veterans, including hormones and mental health services.

Does private health insurance cover transition-related surgery or other transition-related medical treatment?

This depends on what the employer's or insured individual's contract with the health insurance company says. Today, the majority of insurance contracts either expressly exclude transition-related services or are unclear about whether such services are covered. Some transgender people have successfully forced insurance companies to pay for transition-related surgery or other treatments when the contract did not clearly exclude this coverage. In California, Colorado, Oregon, Vermont, and the District of Columbia, state insurance agencies have interpreted laws against gender identity discrimination to mean that insurance policies issued in those states must cover transition-related treatments if they cover the same treatment for other medical conditions.

Increasingly, employers are offering health insurance plans that cover transition-related medical treatment. At least 206 of the largest U.S. employers are now offering a health insurance plan that covers transition-related medical treatment. The cities of New York, Minneapolis, Philadelphia, Portland (Oregon), Seattle, and San Francisco all provide coverage for transition-related care through their employee health plans. Additionally, several public universities (including the University of California system, the University of Massachusetts at Amherst, the University of Michigan, the University of Oregon, Portland State University and the University of Washington) now provide coverage of transition-related medical treatment for students, as do several private universities. Some employers and universities have set up programs to pay for transition-related health care separately (outside the health insurance plan that covers other forms of health care), although this approach may pose privacy risks.

Currently, we are working to ensure that health insurance obtained through federal and state exchanges under the Affordable Care Act will cover all medically necessary treatment for transgender people.

What does the law say about insurance companies denying coverage for routine medical treatments because one has undergone procedures for purposes of gender transition?

Not much yet. The problem arises because insurance companies usually ask individuals to disclose their gender and then restrict coverage to treatment that "corresponds" to that gender. If the individual does not indicate his or her gender, the insurance company often assigns one based on the kind of care the individual generally receives. This obviously causes problems for transgender individuals who need some treatment corresponding to their pre-transition gender and other care corresponding to their post-transition gender (e.g., gynecological care for female-to-male individuals who still have some female reproductive organs).

Yes. A marriage is valid unless and until one or both spouses get a divorce or annulment.

Even without a divorce or annulment, legal problems can arise from a spouse's transition. For example, employers have been known to refuse health benefits to a spouse who is now of the same sex as the employee. Likewise, when one spouse dies, the surviving spouse may have problems collecting inheritance or tax benefits restricted to married couples. There's very little law at this point on these issues.

Is the marriage of a post-transition transsexual to a person of a different sex legal?

It depends on where you live. Courts in Florida, Kansas, New York, Ohio and Texas have said no, explaining that what counts in those states is either the chromosomal or the birth-assigned sex. Other states that ban marriage for same-sex couples may require that in order for a marriage to be legal, the transgender spouse must prove "complete" transition, as an Illinois court required in a 2005 decision where it invalidated a transgender man's marriage to a woman because he had not undergone all available surgeries to transition. Courts in California and New Jersey have taken a more expansive view, ruling that the post-transition sex of the transgender spouse determines whether the marriage is valid. In states where same-sex couples can get married, this question does not arise.

Because the law on recognizing marriages with transgender partners is still developing, transgender people should take extra steps to protect themselves, their partners and their children by entering agreements that protect their parental and some of their spousal rights should the validity of their marriage ever be challenged. The right to intestate inheritance (which allows one's spouse to inherit property without a will) as well as the right to receive public benefits might not be recognized because of state laws with non-inclusive definitions of sex, gender and marriage.

We recommend crafting a written relationship agreement that sets out each spouse's rights and responsibilities with respect to property, finances, health, and children. Furthermore, both spouses should have a last will and testament and assign one another durable powers of attorney for financial and medical decisions. Transgender parents with no biological or adoptive tie to their children should not rely solely on the parental presumptions applicable to children born into a marriage, but should instead adopt the children through a second-parent adoption (<https://www.aclu.org/blog/tag/second-parent-adoption>) to better protect their parental rights.

Are immigration benefits for marriage available to a married couple where one spouse is a transgender individual?

A marriage where one of the spouses is transgender will be recognized by the U.S. Citizenship and Immigration Services for immigration purposes if the marriage is recognized as a valid same-sex or opposite-sex marriage by the state where the marriage took place.

Does transitioning after having children affect parental rights?

Sometimes. Some parents who transition are able to maintain a close relationship with their children, including some who divorce but are able to work out an amicable custody arrangement with their ex-spouse. But other people who transition after having children may see their gender transition used against them by an ex-spouse in contested child custody proceedings. There is little custody case law concerning transgender parents and what exists is mixed. In some cases, transgender parents have fared well, with courts appropriately rejecting the asserted unsuitability of transgender parents and evaluating the standard best interest factors, e.g., the nature of the child's relationship with each parent and each parent's ability to provide for the child's physical, emotional and educational needs. In other cases, parents have been denied custody or reasonable visitation solely based on the court's conclusion that being in the care of a transgender parent would be harmful to the child. In some of these cases, the courts improperly based their decisions on speculation of harm, rather than evidence. In others, the transgender parent did not (perhaps for financial reasons) present testimony from expert witnesses such as psychologists, and the courts relied on the other side's experts' negative characterization of transgender parents. It is therefore important to have counsel refute the negative assertions that may be made about transgender parents.

Carolina birth certificate had a female gender marker.

Some individuals obtain a court order declaring a legal change of gender for added protection. (To save time and money, some advocates recommend doing this at the time of petitioning for a court-ordered name change.) The good thing about a court order is that, unlike a birth certificate or other identity document, courts and agencies in other states are supposed to follow it. There is still no guarantee, however, that such a court order will force a court to consider one's sex legally changed when deciding the validity of a marriage.

Can a person change his or her name and gender marker with the Social Security Administration?

Yes. A person can change his or her name with the Social Security Administration (SSA) by presenting a court-ordered name change and requesting a new card to reflect the change. Social Security cards do not list a person's gender but SSA maintains a record of a person's gender. In June 2013, SSA changed its policy, so it no longer requires proof of gender reassignment surgery for a person to change his or her gender marker. To change the gender marker on an SSA record, a person now only needs one of the following: a 10-year U.S. passport showing the corresponding gender marker, a state-issued amended birth certificate showing the corresponding gender marker, a court order directing legal recognition of change of sex, or a letter from a licensed physician certifying appropriate clinical treatment for gender transition. Along with the one of the above items, the applicant must submit the other parts of a standard Social Security card application, including proof of identity, proof of U.S. citizenship or immigration status, and an application for a Social Security Card. Detailed instructions for changing the gender in a Social Security record are available from SSA here: http://ssa-custhelp.ssa.gov/app/answers/detail/a_id/1667/~/changing-gender-on-social-security's-records.

Is it advisable to change one's name and gender with the Social Security Administration?

Yes. Ensuring that the SSA record of one's gender is consistent with the gender marker on other identity documents could help avoid problems if, for example, someone checks for a match between a person's SSA records and other identification.

Many of the state agencies that issue driver's licenses will only do so if the name used on a driver's license application matches the person's SSA record. In addition, the threat of a federal ID card system increases the likelihood that in the future, one's SSA gender marker may be considered the last word on one's gender.

Can a person change the name and gender on his/her passport?

Yes. A copy of the court order confirming the name change is required to change the name on one's passport. To change the gender on a passport, or to obtain a first passport with the correct gender marker, a transgender applicant must submit a letter from his or her physician certifying that he or she has undergone "appropriate clinical treatment" for transition to the new gender. (This "appropriate clinical treatment" does not have to include surgery.) So long as the letter states that the applicant has had appropriate clinical treatment for transition, it can be used to obtain a new, full validity ten-year passport. There is also a two-year passport available for applicants who present a letter stating that their clinical transition is "in process," but it is unclear why anyone would choose that option since any transgender person who has begun treatment should be able to qualify for a ten-year passport. Along with the physician letter, the applicant must submit the other parts of a standard passport application, including photographs accurately reflecting his or her current appearance. Detailed instructions for updating the name and gender on a passport are available from the U.S. Department of State (http://travel.state.gov/passport/get/first/first_5100.html).

Family Matters

If one spouse in a marriage transitions, is the couple still legally married?

<http://www.aclu.org/print/translaw>

people cannot be required to prove their gender to gain access to a public bathroom, unless everyone has to show ID to use that bathroom. Other jurisdictions (e.g., Chicago) continue to allow businesses to determine whether a transgender patron is given access to the male or female bathroom based on the gender on his or her ID.

Many businesses, universities and other public places are installing single-stall, unisex restrooms, which alleviate many of the difficulties that transgender people experience when seeking safe restroom access. While this is often a useful step towards addressing the needs of transgender people and others, we believe that transgender individuals should have the right to use restrooms corresponding to their gender identity rather than being restricted to only using gender-neutral ones.

Name Change and Identity Documents

Can a person change his or her name to reflect his or her gender identity?

Yes. In some states, through what is called "common law name change," people may change their name simply by using the new name in everyday interactions. It is free and easy, but does not create the kind of solid paper trail needed to change identity documents.

The other way to change one's name is to file a petition in court. Most judges will grant a name change so long as they are convinced that the petitioner is not trying to evade debts or the police.

In rare cases, judges have required a transgender petitioner to prove that he or she has undergone medical procedures that show an intention to live permanently in the gender associated with the name desired.

Can a person get the name and gender marker changed on his or her birth certificate?

A court-ordered name change is usually necessary to change the name on one's birth certificate.

In most states, changing the gender marker on one's birth certificate requires proof of surgical treatment to change one's sex as well as, in many cases, a court-ordered name change. What the law means by "surgical treatment" is often unclear. A growing number of states (currently California, Oregon, Vermont, and Washington) and the District of Columbia allow an individual to change the gender marker on his or her birth certificate by showing proof of appropriate clinical treatment (not necessarily surgery).

Some states (e.g., Alabama) will only issue an amended birth certificate showing the name and gender marker changes. Other states (e.g., Idaho, Ohio and Tennessee) simply will not allow gender markers to be changed on birth certificates. For state-by-state instructions on how to change birth certificates, go to <http://www.drbecky.com/birthcert.html>.

Does changing the gender marker on the birth certificate legally change one's sex?

Although changing the gender marker on one's birth certificate should put to rest once and for all the question of one's legal gender, there have been cases, usually involving marriages, where courts have ignored the corrected birth certificate. Specifically, courts in Kansas and Texas considered only the birth-assigned sex when ruling on a person's sex for the purpose of deciding on the validity of his or her marriage. Courts ignored the fact that the transgender individuals in these cases had corrected birth certificates from other (i.e. their home) states. Similarly, in an Illinois case, a court looked past a transgender man's reissued birth certificate, which had a male gender marker, and determined that he was a female because there were other surgeries he had not undergone that would in the court's view "complete" his transition.

In contrast, a court in New Jersey recognized a transgender woman's gender identity, which was also reflected on her birth certificate, when determining the validity of her marriage. Additionally, the Board of Immigration Appeals approved a visa based on marriage to a man for a transgender woman whose North

District of Columbia, gender identity discrimination laws also cover some or all non-sectarian private schools. A number of local school districts, from Decatur (GA) to Kalamazoo (MI), have adopted similar protections through rules or policies. Several states also have more general laws banning bullying and harassment of any sort but not specifically mentioning gender identity.

Several of the states where gender identity discrimination is prohibited in public schools (including Connecticut, Colorado, and Massachusetts) have issued regulations or guidance clarifying what schools must do to accommodate transgender students, in areas like updating of educational records, access to appropriate restrooms, and bullying prevention. A number of school districts have also created rules or policies to address these issues. In 2013, California became the first state to pass a law that requires students in public schools to be permitted to access sex-segregated spaces, programs, and activities consistent with their gender identity.

The federal law prohibiting sex discrimination in educational programs receiving federal funds (Title IX of the Education Amendment Acts of 1972) bars sexual harassment of any student. Title IX also prohibits gender-based harassment, which includes harassment based on a student's departure from sex stereotypes. Therefore, Title IX should protect transgender students from harassment and discrimination, but the courts are still grappling with the issue. Title IX applies to all public schools, and to many private schools that receive federal funding.

Are there laws that protect transgender students' right to participate in high school and college sports?

Non-discrimination laws that cover gender identity should provide protection for student athletes who wish to participate in sex-segregated sports consistent with their gender identity.

In sex-segregated circumstances, school districts sometimes establish their own policies to determine which team a transgender athlete will compete on and which locker room he or she will use. A few states have adopted statewide policies or guidelines. For example, Washington allows transgender student-athletes to participate in sports consistent with their gender identity irrespective of the gender listed on their student records, and Connecticut has published similar guidance. Colorado and Illinois both have more complicated statewide policies on determining a student's eligibility for gender-specific school activities, including sports, by evaluating students' school records, their medical history, and the advantages of their participation.

The National Collegiate Athletic Association, which organizes competition in 23 sports at over 1,000 colleges and universities, allows transgender student-athletes to participate in sex-segregated sports consistent with their gender identity as long as they are receiving hormone therapy. Under NCAA rules, a transgender woman must take testosterone suppression medication for at least a year before competing on a female team.

Does the law protect a transgender person's right to use the restroom consistent with his or her gender identity?

There's no clear answer because very few courts have considered this question. The Minnesota Supreme Court has ruled that even a law prohibiting gender identity discrimination does not necessarily protect an individual's desire to use a gender identity-appropriate restroom at work. The Tenth Circuit in 2007 upheld the Utah Transit Authority's decision to fire a transgender bus driver, based on a claim that her employer risked liability for her use of public restrooms along her bus route. In a non-workplace context, a New York appeals court has ruled that it is not sex discrimination for a building owner to prevent transgender people from using gender identity-appropriate restrooms in a building housing several businesses.

Some jurisdictions (e.g., Colorado, Iowa, San Francisco, New York City, and the District of Columbia), however, have indicated that denying transgender people the right to use a gender identity-appropriate restroom violates nondiscrimination laws. In addition, Washington's Human Rights Commission states that transgender employees should be permitted to use the restroom that is consistent with the individual's gender identity." Some jurisdictions (e.g., Iowa, San Francisco, and D.C.) make clear that transgender

Tennessee; Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington; Alabama, Florida and Georgia) have found some protections in the 1964 Civil Rights Act for transgender people. In addition, a federal district court in Washington, D.C. ruled that employment discrimination against an individual for transitioning from one gender to another is a form of discrimination "because of sex," prohibited by federal law.

Transgender individuals anywhere in the country who feel they have experienced employment discrimination can file complaints with the U.S. Equal Employment Opportunity Commission (EEOC). In a 2012 decision, the EEOC found that "discrimination against a transgender individual because that person is transgender is . . . discrimination 'based on . . . sex,' and . . . violates Title VII." The EEOC investigates the reports of discrimination it receives, and can arrange mediation, sue an employer, or give the person complaining permission to bring her own lawsuit.

Paralleling the federal trend, some state courts and administrative agencies (such as in California, Connecticut, Hawaii, Massachusetts, New Jersey, New York and Vermont) have said that their state sex discrimination law covers discrimination against transgender people.

Does the U.S. Constitution protect transgender people from discrimination?

Although the U.S. Supreme Court has never considered this question, we think the answer is yes. It is important to remember, however, that constitutional protections only cover discrimination or mistreatment by the government.

The U.S. Constitution's guarantee of equality protects transgender people from being treated differently by the government because of fear or hostility. If, for example, a government supervisor imposes a stricter dress code on a male-to-female transgender worker than on other female workers for no reason other than his or her dislike of transgender people, that violates the constitutional right to equal treatment. However, constitutional equality protections for transgender people as an identifiable group are not yet nearly as robust as those for people of color and women.

Growing recognition by some federal courts that discrimination against transgender people is a form of sex discrimination offers transgender people in those jurisdictions the same level of protection under the Equal Protection Clause as that provided to women. For example, the Eleventh Circuit in 2011 decided in favor of a transgender woman who was terminated because she wanted to start transitioning at work. The court found that "discrimination against a transgender individual because of her gender-nonconformity is sex discrimination, whether it's described as being on the basis of sex or gender."

In our view, the First Amendment, which bars the government from censoring speech or expression, also protects our right to dress in a way that is consistent with our gender identity. The way we dress is an important form of personal expression. There is currently little case law regarding the First Amendment right to express one's gender.

Finally, individuals have important interests in the determination of their gender and the expression of their gender through personal appearance and mannerisms, which are interests that we believe the Due Process Clause recognizes and protects. These constitutional arguments, however, have not yet achieved widespread acceptance by courts.

State constitutions are also a source of protection against discrimination by state and local government.

Are there laws that specifically protect transgender students from harassment or discrimination?

More and more, schools are protecting transgender students from harassment or discrimination. California, Colorado, Hawaii, Illinois, Iowa, Maine, Maryland, Minnesota, New Jersey, New York, North Carolina, Oregon, Vermont, Washington, and the District of Columbia have state laws specifically protecting transgender students in public schools from harassment and/or discrimination. Some of these state laws explicitly apply to education, while other states (including Colorado, Illinois, Maine, New Jersey, Nevada, Vermont, and Washington) classify public schools as public accommodations where gender identity discrimination is prohibited. In Colorado, Illinois, Maine, Nevada, New Jersey, and the

Know Your Rights - Transgender People and the Law

April 24, 2013

Discrimination in Employment, Housing, Public Places, and Schools

Are there laws that clearly prohibit discrimination against transgender people?

Yes. California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, Washington and the District of Columbia all have such laws. Their protections vary. For example, Nevada's law bans discrimination in employment, housing, and public accommodations; Maine's law covers those categories plus credit and education.

At least 160 cities and counties have passed their own laws prohibiting gender identity discrimination including Atlanta, Boise, Buffalo, Cincinnati, Dallas, Indianapolis, Kansas City, Louisville, Nashville, New Orleans, and Pittsburgh. A list of localities with nondiscrimination laws that cover gender identity and/or expression is available at <http://www.transgenderlaw.org/ndlaws/index.htm#jurisdictions>.

The governors of Indiana, Kansas, Kentucky, Maryland, Michigan, New York, and Pennsylvania have banned discrimination against transgender state workers through executive orders. Unless an executive order is expressly limited in duration or is rescinded, its protections usually stay in effect even after the person issuing the order leaves office. Some cities and counties have also passed protections for their transgender public employees. A list of localities that ban discrimination against their public employees on the basis of gender identity or expression is available at <http://www.transgenderlaw.org/ndlaws/index.htm#public>.

Do laws that prohibit sexual orientation discrimination protect transgender people?

In some cases, yes. If a law banning discrimination based on sexual orientation defines "sexual orientation" to include gender identity (as, for example, the ones in Colorado, Illinois, and Minnesota do), it protects transgender people as well as lesbian, gay, and bisexual people.

Also, most sexual orientation nondiscrimination laws prohibit discrimination based on perceived as well as actual sexual orientation. Therefore, in most places with laws against sexual orientation discrimination, if a person discriminates against a transgender person because of his or her belief that the victim is gay (even if that belief is wrong), the transgender person is protected.

Do laws that prohibit sex discrimination protect transgender people?

An increasing number of courts say yes. Although there are some older decisions saying that the federal law banning sex discrimination in employment (Title VII of the 1964 Civil Rights Act) does not prohibit gender identity discrimination, federal courts that have considered the issue more recently (e.g., the Courts of Appeals for the Sixth, Ninth, and Eleventh Circuits, covering Kentucky, Michigan, Ohio,

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Thapelo Makutle, a 23-year-old who was also known as 'Queen Bling', was an LGBT activist who got into an argument with men regarding her sexuality at a bar in Kuruman, South Africa. The men followed her home, broke into her apartment and killed her by slitting her throat. She was also mutilated; her genitals were cut off and put into her mouth.^[48]

Victoria da Silva Costa, was a 21-year-old trans woman living in Brazil, who was murdered in what police considered to be a hate crime, as she was decapitated, with her penis and one ear being cut off.^[49]

Demetrio Apaza Mayta was tortured, beaten, burned, and stabbed to death by a mob of hundreds of people in El Alto, Bolivia for no reason other than her gender identity. The police claimed that they had no leads and arrested no suspects, although the murder took place in broad daylight.^{[50][51]}

Brandy Martell, a 37-year-old transgender woman, was fatally shot in the torso and genitals on a street corner in Oakland, California.^{[52][53]} In 2013, health organization TransVision announced that a HRSA grant for enhancing engagement and retention in quality HIV care for transgender women of color would be named in her memory.^[54]

Deoni Jones, a 23-year-old woman, who died on February 3rd, from a fatal stab wound at a Washington, D.C. bus stop.^[55]

2013

Dwayne Jones, murdered in Jamaica.

Islan Nettles, a 21-year-old woman, brutally beaten by a 20-year-old man, Paris Wilson (who had been flirting with her), after he discovered she was transsexual. She later died in hospital of her injuries.^[56]

Domonique Newburn, was found dead in her apartment in the Fontana area of San Bernadino County. Prior to the incident, Newburn was best known as one of the three main characters in the YouTube docu-reality series Hollywood Houseboys, which chronicled the lives of three queer black men, who each had aspirations to make it in the entertainment industry.^[57]

See also

- Gay panic defense
- Trans bashing
- Transgender Day of Remembrance
- Transphobia
- Victim blaming
- Violence against LGBT people

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2009

Tyli A Nana Boo Mack, a 21-year-old transgender woman, was attacked and fatally stabbed in broad daylight on the street in Washington, D.C. ^[35] The attack occurred on the 200 block of Q Street, NW around 2:30pm, near the offices of Transgender Health Empowerment, a transgender support group. ^[35] Mack was walking with an unidentified transgender woman when they were attacked. ^[36] Both victims were rushed to Howard University Hospital, where Mack died. ^[37] The Metropolitan Police Department advertised up to \$25,000 in compensation for any information leading to the arrest and conviction of the person or persons responsible for Mack's murder. ^[38] Some problematic coverage of Mack's murder led the D.C Transgender Coalition to issue a statement regarding respect for the gender identities of trans people. ^[35]

"Jorge Steven" López Mercado had her throat cut after a 26-year old, who later confessed to the murder, noticed that she was trans. The murderer has since been imprisoned for hate crime. ^[39]

Camilla (surname unknown) was murdered by her boyfriend in Russia when he was enraged after discovering her trans status. ^[40]

Destiny Lauren, a 29-year-old transwoman who was a sex worker, was strangled to death in her home. A 22-year-old man was found guilty of murdering her. ^[41]

2010

Victoria Carmen White, a 28-year-old transgender woman, was fatally shot at an apartment in Maplewood, New Jersey, on Sunday, 11 September. ^[42] White went to the apartment with her killers, Alrashim Chambers and Marquise Foster, whom she had met earlier that night. ^[43] Investigators believe that White's killers shot her upon learning that she was transgender and are considering hate crime charges. ^[43] Many transgender advocates were confused and upset by the Essex County Prosecutor's Office's initial report that White was male, despite the fact that her documentation and genital configuration confirmed she was female. ^[44]

Monchi de Jesús Crisóstomo de León was a sex worker who was murdered in Santo Domingo, Dominican Republic. The suspected perpetrator, a 24 year-old client, explained that he killed her in a fight that started after he realized that "she wasn't a woman". ^[45]

2011

Ramazan Cetin, 24, was shot by her brother in a Turkey hospital in front of other patients. The murder was considered to be a transphobic hate crime. The brother confessed to the police that he killed her, because she "was engaged in transvestism" and that he "cleansed his honour". ^[46]

Didem, a 26 year old trans woman, was a sex worker killed in Istanbul, Turkey by a client after he discovered that she was not a cisgender female. ^[47]

2012

Larry King of Oxnard, California, was a gay or bisexual^[24] 15-year-old eighth-grade student who was shot to death at his school on 12 February 2008. He wore gender variant clothes, jewelry and make-up^[25] and had come out as gay at school.^[25] King was bullied and teased by his fellow students due to his effeminacy and openness about being gay, having come out at ten-years-old and while in the third grade.^[24] On the morning of 12 February, Lawrence was in the school's computer lab with 24 other students. Fellow student, fourteen-year-old Brandon McInerney was witnessed repeatedly looking at King during the class. At 8:15 a.m, McInerney shot King twice in the head using a handgun.^[26] King was declared brain dead the next day but kept on a ventilator to preserve his organs for donation.^[25] Prosecutors charged McInerney as an adult with murder as a premeditated hate crime and gun possession.^[25] The crime was reputed to be the most high-profile hate crime case of 2008. *Newsweek* described it as "the most prominent gay-bias crime since the 1998 murder of Matthew Shepard", bringing attention to issues of gun violence as well as gender expression and sexual identity of teenagers. On 21 November 2011 McInerney pleaded guilty to second-degree murder, voluntary manslaughter and use of a firearm. He will receive 21 years behind bars, with no credit given for time served prior to the trial and no credit will be given for good behavior. He will initially serve his sentence in a juvenile facility and then be transferred to prison upon turning 18.^[24]

Duanna Johnson, a 40-year-old African American transgender woman. In February 2008, Duanna was picked up and arrested by Memphis, Tennessee, police officers Bridges McRae and J. Swain. She was pinned down and beaten by the two men in a Memphis police jail after she refused to respond to anti-gay and anti-transgender slurs. The assault was captured on video, which aired on several regional newscasts. In an interview given to FOX 13, Duanna spoke about her experiences. "As [Officer McRae] was calling me, he said 'hey he-she, come over here'" Johnson told FOX 13 reporters, "I knew he couldn't be talking to me because that's not my name." Duanna Johnson received national media attention this past June when she went public about the brutality she suffered at the hands of two Memphis Police Officers. She became "the public face of our community's campaign against racism, homophobia, and transphobia" according to a statement from the Mid-South Peace and Justice Center. On Monday 10 November, according to news reports, Duanna was shot "execution style" between Hollywood and Staten Avenue in Memphis, Tenn.^[27]

Felicia Melton-Smyth, a 41-year-old transwoman, was stabbed to death on 26 May 2008 in Puerto Vallarta, Mexico. She was vacationing with a group of 20 people from Madison, Wisconsin. Francisco Javier Hoyos Reyes was arrested immediately afterwards.^[28]

Angie Zapata was a trans woman who was murdered on 17 July 2008, in Greeley, Colorado. Her death was the first ever case involving a transgender victim to be ruled a hate crime.^[29] Colorado is one of only eleven states that protect transgender victims under hate crime laws in the United States. Allen Andrade, who learned eighteen-year-old Angie was transgender after meeting her and spending several days with her, beat her to death with a fire extinguisher. In his arrest affidavit, Andrade calls Zapata "it",^[30] and during his trial a tape was played of a phone conversation in which he told his girl friend "gay things need to die".^[31] Andrade's attorneys used a gay panic defense, implying that Andrade suddenly "snapped" when he learned Zapata was not born biologically female. On 22 April 2009, Andrade was found guilty of first degree murder, hate crimes, and car/ID theft. He was sentenced to life in prison without the possibility of parole.^[32]

LaTeisha Green was a trans woman who was murdered on 14 November 2008. The man who shot her, Dwight DeLee, was found guilty of first-degree manslaughter as a hate crime against gays. There are no laws protecting gender variant people in New York State.^{[33][34]}

Bella Evangelista, 25, was shot by Antoine Jacobs in Washington, DC after he paid her for oral sex, then learnt that she was transgender and became enraged. ^[15]

Nireah Johnson was an African American trans woman who was murdered in Indianapolis, Indiana by Paul Moore after being initially sexually attracted to her then discovered that she was transgender.

2005

Phool Chand of Lucknow, India was raped and murdered when his murderers discovered his FTM status. ^[16] India Times referred to him as a 'girl dressed in boys' clothes.'

2007

Roberto González Onrubia died on 1 September in Madrid, Spain, from a beating he received on 29 August. This was the culmination of a nine-month period during which Dolores de los Reyes Navarro and Ainhoa Nogales Bergantiños made him a prisoner in his own home and inflicted torture, including physical abuse and sexual humiliation, on him. The two women were found guilty in 2010. ^[17]

Ruby Ordenana was a transgender sex worker who was found dead on 16 March. An autopsy showed that she had been strangled to death. Police believe that DNA evidence shows that her murderer is a man who raped and assaulted two other transgender people. ^[18]

Erika Keels (Philadelphia, Pennsylvania; 3/22/07) Erika, a 20-year-old black transgender woman, was murdered on 22 March 2007, on North Broad Street in Philadelphia. Witnesses saw an assailant eject Erika from her car and intentionally run her over four times, killing her and leaving the scene. A medical examiner's report supports these eyewitness accounts. But police ruled Erika's death an accident and have refused to conduct an investigation. The driver, Roland Button, was later apprehended, but he has yet to face criminal charges—including "hit and run" charges. When Ms. Keels' friends, who are themselves trans, questioned police officials about the classification of her death as an accident, they were asked to disclose their "birth" names and told they were "trying to make something out of nothing." ^[19]

Dana A. Larkin, 26, was a black trans woman who was murdered while working as a prostitute in Milwaukee, Wisconsin. ^[20]

2008

Sanesha Stewart was a 25-year-old trans woman living in the Bronx, New York, who was stabbed to death on 10 February 2008. ^[21] An ex-convict was arrested for the murder. Police reported that he had visited her for sex and became enraged over the realization that she was not a cisgender woman. ^[21] Stewart's murder, initially reported by the *New York Daily News* as "Fooled John Stabbed Bronx Tranny", outraged transgender activists for the act as well as the reporting in the media. ^[22] A neighbor denied the police's assertion she was a prostitute. ^[21] The Gay and Lesbian Alliance Against Defamation (GLAAD) intervened to inform the *Daily News* that *tranny* is often considered pejorative and dehumanizing and that insinuating Stewart "fooled" her murderer was both defamatory and irresponsible. ^[23] The paper dropped both *tranny* and *fooled* in follow-up stories and changed the online version of the original report to address the concerns raised. ^[21]

1995

Chanelle Pickett, an African American 23-year-old trans woman, was strangled to death in November 1995 at William C Palmer's home after he realised she was transgender.^{[3][4]} Palmer was later acquitted of murder, but served 2 years on assault and battery.^{[4]89}

1997

23 year old transsexual prostitute **Robyn Browne** was found murdered in her London flat in 1997. She died of multiple stab wounds. James Hopkins was jailed for 17 years for her murder.^[5]

1998

Rita Hester, a transgender woman, was found on the floor of her apartment in Allston, Massachusetts on 28 November 1998. She had suffered multiple stab wounds and later died at the hospital.^[6]

2001

Fred Martinez, Jr (born 15 March 1985, died 16 June 2001) Fred Martinez explained to his family that he didn't want to have to choose between being a boy or a girl—that he wanted to be both. Fred self-identified as a gay male and commonly used the name Fred, as well as "F.C." He also expressed a feminine aspect of himself in the way he dressed and presented himself, and sometimes wanted to be called Beyoncé, in honor of his favorite singer.

Martinez was a student at Montezuma-Cortez High School in Cortez, Colorado, when one evening, he was attacked and beaten to death by 18-year old Shaun Murphy. Murphy was at a party, visiting with friends at Cortez, Colorado, where he met Martinez, in violation of parole conditions, since Murphy had a juvenile criminal record.

Martinez' decomposed body was found 21 June, five days after his disappearance, in a desert canyon on the edge of Cortez, known as "The Pits".^[7] Murphy was caught disposing of bloody clothing in Farmington, New Mexico.^[8] He was held on \$500,000 bail.^[9]

2002

Gwen Araujo of Newark, California (died October 2002), an American teenage trans woman, was killed by four men, two of whom she had consensual sexual actions with, who beat and strangled her after discovering she was anatomically male.^{[10][11][12]} Two of the defendants were convicted of second-degree murder,^[13] but not convicted on the requested hate crime enhancements. The other two defendants pleaded guilty or no contest to voluntary manslaughter. In at least one of the trials, a trans panic defense - an extension of the gay panic defense - was employed.^{[13][14]}

2003

Emonie Spaulding, 25 was shot to death in Washington, DC, by Derrick Antwan Lewis in August 2003 after Lewis discovered Spaulding was transgender.^[2]

List of unlawfully killed transgender people

From Wikipedia, the free encyclopedia

This is a list of transgender people who are proven to have died at the hands of others and whose deaths are considered to have been attributable to their transgender status. It is claimed that around the world, one transgender person is murdered every three days.^[1]

The list does not include deaths by suicide, accident, and other causes.

Contents

- 1 1988
- 2 1993
- 3 1995
- 4 1997
- 5 1998
- 6 2001
- 7 2002
- 8 2003
- 9 2005
- 10 2007
- 11 2008
- 12 2009
- 13 2010
- 14 2011
- 15 2012
- 16 2013
- 17 See also
- 18 References

1988

Venus Xtravaganza was found strangled and stuffed under a bed in a New York hotel room in 1988. Her body was discovered by a stranger four days after her death. She was featured in the documentary *Paris is Burning*.

1993

Brandon Teena, a 21-year-old trans man, was raped and murdered in Falls City, Nebraska, on 31 December 1993.^[2] Two men were convicted of first-degree murder in the incident, which became the subject of the Academy Award-winning film *Boys Don't Cry*.^[2]

In addition, there are special situations that bring additional complications.

Suicide "witnesses." If someone actually sees their loved one die by suicide or discovers the body, then they face the additional pain and shock of that experience. Often, that vision of the final physical injury haunts them. A photo, a memory, or even funeral viewing may help to replace it with one that more truly reflects who the loved one was.

The public suicide. Suicide victims who choose a public method-such as jumping from a building-potentially leave their loved ones with added complications. There may be unwelcome media attention and a greater level of involvement by the authorities.

Accused. Sometimes, survivors face more than the judgment of others-they face formal accusations of responsibility, either from fellow survivors or from the authorities. For the latter, bear in mind that law enforcement authorities are compelled to treat any apparent suicide as a murder until the facts are ascertained.



While all suicide survivors face many of the same challenges, each may also face difficulties unique to their relationship with the victim.

4

Parents face the potential for unique feelings of guilt, although it is just as unfounded as the feelings typically experienced by survivors. While parents may forgive themselves for being unable to intervene in the suicidal act, they may blame themselves for some perceived mistake made in raising their child. It is important to understand that children are not entirely of their parents' making; outside influences such as friends, school, the media, and the world at large also help shape each child.



Spouses or partners may also suffer feelings of guilt over a perceived failure of responsibility, or because of the perceived or actual accusations of others. (Families of suicide victims have been known to direct blame at the surviving spouse.) Spouses or partners may also feel an extreme sense of abandonment and some may come to judge their entire relationship in the light of their spouse's final injury. Feelings of guilt may continue to resurface even if survivors eventually move on to new relationships. Again, it can be helpful if they remember what is really the root cause of the tragedy-depression, emotional illness, and other factors beyond their control-not their shortcomings as partner, wife or husband.

Siblings often identify closely with one another, making the suicide especially painful for those left behind. Siblings may not receive the same level of sympathy or support as parents, children or spouses. Parents may overcompensate after the loss of a child by focusing uncomfortably on the surviving sibling(s)-or withdraw from them, seemingly having nothing left to give.



5

FUNERAL DIRECTORS AND CLERGY AS FIRST RESPONDERS

Funeral directors and clergy have unique opportunities to play an active role in suicide response and prevention. Beyond the obvious value of improved immediate care for suicide survivors that this more active role allows, a less visible benefit is the possible prevention of future suicides among survivors of any death. Funeral directors and clergy, as some of the first responders, should be sensitive to the needs of survivors, particularly those whose loss history places them at high risk. They have the opportunity to interact with survivors intimately, and can sense delayed, unresolved grief following a death which may be sign of possible suicidal behavior amongst survivors. It was found that, in comparison to the experience of persons who had died naturally, a significant number of people completing suicide had themselves suffered a recent bereavement.

The customs and structure of the funeral experience, along with the network of funeral directors, clergy and other care-givers, offer a unique, one-time opportunity to provide support and guidance to the survivors. Funeral directors and clergy also may be able to serve as a liaison between the survivor family and the authorities who investigate the suicide, and can clarify the needs of each to the other.

Where suicides are concerned, viewing or other aspects of a funeral may present special challenges for survivors. Recognizing this, funeral directors and clergy should be alert to the possibilities for compromise, as well as for confrontation, in making funeral arrangements that meet the special needs of suicide survivors. Sometimes, the question is not so much one of eliminating the viewing experience as learning to compromise on the time, place and manner in which it is done.



Here are a few of the emotions survivors may go through:

Guilt. Suicide survivors -even if they are only on the periphery of the deceased's life- invariably feel that they might have, could have, or should have done something to prevent the suicide. This mistaken assumption is the suicide survivor's greatest enemy.

Stigma. Society still attaches a stigma to suicide, and it is largely misunderstood. While mourners typically receive sympathy and compassion, the suicide survivor may encounter blame, judgment, or exclusion.



Anger. It's not uncommon to feel some form of anger toward a lost loved one, but it's intensified for survivors of suicide. For them the person they have lost is also the agent of the loss bringing new meaning to the phrase "love-hate" relationship.

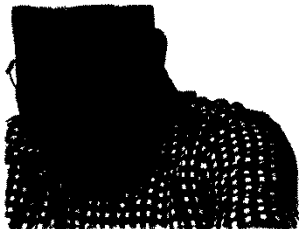
Disconnection. When we lose a loved one to disease, injury or old age, it is easier to retain happy memories of them. We know that, if they could choose, they would still be here with us. But it's not as easy for the suicide survivor. Because their loved one seems to have made a choice that is abhorrent to the survivor, they feel disconnected and "divorced" from their memory. Survivors are in a state of conflict and may feel they must resolve the conflict alone.

Funeral directors and clergy are representatives of the family members and yet, they are also familiar with the press, the police and medical examiners in their communities and so can draw on their past associations with these and other first responders to ensure humane and dignified treatment of the survivors. In responding to survivors' plight, funeral directors and clergy can assist family members through what is undoubtedly a period of overwhelming stress, and can urge their participation in efforts to reduce future risk.

By improving the networking among health and human service professionals, and by facilitating communication between them and survivors, funeral directors and clergy can not only enhance the quality of "first aid" administered to survivors, but also improve the continuity of care they receive throughout their bereavement.

BEFRIENDING

The philosophy and practice of befriending is one way to help survivors cope with their grief. Befriending is the offering of friendship by one ordinary human being to another at a time of crisis. The concept of befriending relies on listening without judging, active listening and allowing individuals to simply talk through their problems to obtain solutions. Befriending does not involve telling or advising a person what to do. It respects the right of each person to make his or her own decisions and offers unconditional emotional support. Befriending recognizes the importance of professional psychiatric help but also believes that laypeople, such as funeral directors and clergy, provide a valuable service by simply listening.



Acknowledgements

Excerpts for this booklet were adapted with permission from:

1. Wolfelt, Dr. Alan D. Helping a Survivor Heal. Centre for Loss and Life Transition 2006. www.centerforloss.com
2. Jackson, Jeffrey. SOS Handbook for Suicide Survivors. American Association of Suicidology, 2003. <http://www.suicidology.org>
3. Dunne E.J, McIntosh J.L & Dunne-Maxim K. Suicide and Its Aftermath: Understanding and Counseling the Survivors. W.W. Norton & Company 1987. New York, NY. Pages 171-181.



INTRODUCTION

In the United States, 30,000 people die by suicide each year. It is currently the 11th leading cause of death in the United States. In Massachusetts, on average, one person dies by suicide every day. Studies indicate that the best way to prevent suicide is through the early recognition and treatment of depression and other psychiatric illnesses. Each year, thousands of bereaved survivors are left to deal with the unique grief of losing a loved one to suicide.

When there has been a death of a loved one by suicide, survivors experience a variety of emotions that range in intensity. The Massachusetts Department of Public Health's Suicide Prevention Program recognizes the importance of honoring and respecting the needs of survivors in the days, weeks and months following the suicide.

This booklet is designed to guide funeral directors and members of the clergy, who are often first responders, in helping survivors of suicide cope with their loss. Guidance on planning and conducting memorial services after a suicide can be found at the Suicide Prevention Resource Center website: <http://www.sprc.org/library/aftersuicide.pdf>.





We have good days

Years and miles meet

We gather strength together.

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Injury Prevention and Control Program

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Aiding Suicide Survivors

A Guide for Funeral Directors and Clergy

My Referral List

Developing a local referral list ahead of time can help you to feel better equipped in a crisis. Use this form to guide your efforts in identifying transgender-competent resources.

Emergency	Call 911
Trevor Project	1.866.4.U.TREVOR // 1.866.488.7386
National Suicide Prevention Lifeline	1-800-SUICIDE // 1-800-784-2433 1-800-273-TALK // 1-800-273-8255 Para obtener asistencia en español durante las 24 horas, llame al 1-888-628-9454 TTY: 1-800-799-4TTY (4889)
Local Crisis Support (e.g. Local Suicide/Crisis Counseling or LGBT peer counseling)	
Local Mental Health Providers	



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Compiled by Louis Mitchell and Chris Paige for the Transfaith Institute's Suicide Prevention course.

Crisis Support Resources

<p>The Trevor Project operates the only nationwide, around-the-clock crisis and suicide prevention helpline for lesbian, gay, bisexual, transgender and questioning youth. If you or a friend are feeling lost or alone call The Trevor Helpline. There is hope, there is help...</p> <p>Phone: 1.866.4.U.TREVOR // 1.866.488.7386</p> <p>Web: www.thetrevorproject.org/helpline.aspx</p>	<p>The National Suicide Prevention Lifeline is a 24-hour, toll-free suicide prevention service available to anyone in suicidal crisis.</p> <p>Phone: 1-800-SUICIDE // 1-800-784-2433</p> <p>Also: 1-800-273-TALK // 1-800-273-8255</p> <p>Para obtener asistencia en español durante las 24 horas, llame al 1-888-628-9454</p> <p>TTY: 1-800-799-4TTY (4889)</p> <p>Web: www.suicidepreventionlifeline.org</p>
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Transgender-Specific Community Resources

Laura's Playground Online Chat Room

This is a Live Support Moderated Chat Room for Transsexuals both FTM and MTF, Transgendered, Intersex, Androgynes, Crossdressers and their Friends, families and Significant Others only. All groups will be treated equally. Moderators are trained in suicide prevention.

<http://www.lauras-playground.com/chat.htm>

Light in the Closet

The ministry *Light in the Closet* offers a safe place for individuals to discuss, with confidentiality, personal issues, desires and fears they are dealing with. This support ministry is designed for those who are already Christians, but also benefits those who are seeking spiritual or emotional guidance.

<http://www.lightinthecloset.org>

TGSuicidalSupport Email List (18 and over)

This Yahoo Group is a peer support email list, led by two transwomen for the support of transgender adults of all sorts. The group welcomes anyone who may need, now or in the future, support when they may be feeling suicidal. Also welcome are those who want to do all you can to stop the loss of another transgender life.

<http://groups.yahoo.com/group/TGSuicidalSupport/>

Or subscribe by sending an email to: TGSuicidalSupport-subscribe@yahoogroups.com

Finding More Local Resources

Finding local, transgender-competent resources usually involves networking with other people in the community. There are no short-cuts on this, since resources change.

Note: The Samaritans hotline shown in the Saving Our Lives video is not affiliated with the national network of Samaritan Counseling Centers.



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Getting Help

When Someone Is (or might be)
Considering Suicide

The most important step is to talk to someone. People who feel suicidal should not try to cope alone. They should seek help NOW.

Are you feeling suicidal?	Are you worried about someone?
<p>Talk to family or friends.</p> <p>Just talking to a family member or a friend or a colleague can bring huge relief.</p> <p>Talk to a suicide or crisis hotline.</p> <p>Some people cannot talk to family or friends. Some find it easier to talk to a stranger. There are transgender-friendly call centers with people who are ready to listen. If calling is too difficult, there is even online chat and email support available.</p> <p>Talk to a doctor.</p> <p>If someone is going through a longer period of feeling low or suicidal, he or she may be suffering from clinical depression. This is a medical condition caused by a chemical imbalance, and can usually be treated by a doctor through the prescription of drugs and/or a referral to therapy.</p>	<p>Be quiet and listen!</p> <p>If someone is feeling depressed or suicidal, our first response is to try to help. We want to offer advice, share our own experiences, and try to find solutions.</p> <p>We do better when we stay quiet and listen.</p> <p>People who feel suicidal don't want answers or solutions. They want a safe place to express their fears and anxieties, to be themselves.</p> <p>Listening, <i>really</i> listening, is not easy.</p> <p>We must control the urge to say something – to make a comment, add to a story or offer advice. We need to listen not just to the facts that the person is telling us but to the <i>feelings</i> that lie behind them. We need to understand things from their perspective, not ours.</p> <p style="text-align: center;">Question - Persuade - Refer</p> <p>Get Help For Yourself</p> <p>It is stressful to care for, listen to, and find help for someone who is feeling suicidal. You also deserve support and advice. Suicide hotlines can also be a good resource for you. Use other resources in your own life, such as friends, family, and therapist to talk through your own feelings.</p>



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suicide. People who interact with suicidal people can help them by way of emotional support and encouragement. Even psycho-therapeutic interventions rely heavily on family and friends providing a network of support. It's important to remember that even with your emotional support and encouragement, someone may still decide to die by suicide.

Some suicidal people may be ambivalent about dying and many frequently will seek help immediately after attempting the harm themselves. The vast majority of people who are considering suicide do not want to die. They are in pain, and they want to stop the pain.

Most people are suicidal for a limited period of time. However, suicidal feelings can recur. Sometimes suicidal people feel better because they have decided to die by suicide, and may feel a sense of relief at the thought that their pain might soon be over. However, depression and other threats to mental wellness are serious health problem that affects the total person physically, emotionally, and biochemically.

I'm worried about causing more harm than good.

Asking someone directly about their suicidal intentions lowers anxiety, opens up communication and lowers the risk of an impulsive act. It can act as a deterrent to suicidal behavior by encouraging the ventilation of pent-up emotions through a frank discussion of his problems.

Asking people if they are thinking about suicide does not give them the idea for suicide. And it is important to talk about suicide with people who are suicidal because you will learn more about their mindset and intentions, and possibly allow them to diffuse some of the tension that is causing their suicidal feelings.

People who talk about suicide are in pain and need help. Judging that they "just want something" or "are trying to manipulate" is both insensitive and dangerous. Likewise, judging them as "attention-seekers" is not helpful. People often talk about suicide before dying by suicide. Always take talk about suicide seriously. Always.

Many people who die by suicide talk about it first. Most suicidal people communicate their intent sometime during the week preceding their attempt. They are in pain and oftentimes reach out for help because they do not know what to do and have lost hope.



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Adapted by Chris Paige and Louis Mitchell from several "Myths about Suicide" documents, including www.healthylplace.com, www.samaritanshope.org, www.qprinstitute.com, and www.suicide.org, as well as the brochure *Saving Our Lives: Transgender Suicide Myths, Reality, and Help.*

Facts about Suicide

Who is at risk?

Feeling suicidal is not a direct result of being transgender. Transphobia, discrimination, and trauma play a large role in societal factors that can lead to depression and suicidal thoughts.

Suicide can strike anyone, though its frequency varies among different groups in society. Suicide crosses all socioeconomic distinctions and no one class is more susceptible to it than another. Suicide cuts across class, race, age, and sexual orientation differences

Transitioning or blending (a.k.a. "passing") will not make problems go away, though it may relieve some stress. It is important to seek support in coping with ongoing problems.

Oftentimes people who die by suicide are under the influence of alcohol or drugs. Alcoholism and suicide often seem to go hand in hand. Truthfully, many people who are unhappy, depressed and/or suicidal attempt to self medicate with substances, which may negatively impact their feelings and may have direct impact on their suicidality.

Although depression is often closely associated with suicidal feelings, not all people who kill themselves are depressed. Some people preparing for or planning a suicide attempt may appear to be happier or more comfortable than they've been in years because they have decided that suicide is the resolution to their problems.

While estrogen can worsen existing depression in some individuals, it does not cause one to become suicidal. There may also be an increase in impulsiveness in some testosterone users. This does not imply that hormone therapy induces suicidality.

Although suicidal behavior does tend to run in families, it does not appear to be transmitted genetically.

Although many people planning or preparing for a suicide attempt are depressed and distraught, most could not be diagnosed as mentally ill. People considering suicide are in pain – and may or may not have a chemical imbalance in their brain that could benefit from treatment.

Anyone could attempt suicide. Many strong and courageous people die by suicide because they are not able to get the help that they need.

Why bother trying to help someone who is suicidal?

Many suicides could possibly be prevented. Most people who are considering suicide do not want to die; they just want to stop their pain. Suicide is the most preventable kind of death, and almost any positive action may help to save a life.

There are almost always warning signs. Many of these signs may be subtle and easy for even the most thoughtful and vigilant people to miss. Many people who are considering suicide also reach out for help. Most people who die by suicide have given some verbal clues or warning of their intention in advance. People who talk about wanting to die by suicide often times do kill themselves.

Suicide prevention is everybody's business, and anyone can be in a position to help prevent the tragedy of



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Adapted by Chris Paige and Louis Mitchell from several "Myths about Suicide" documents, including www.healthypace.com, www.samaritanshope.org, www.qprinstitute.com, and www.suicide.org, as well as the brochure *Saving Our Lives: Transgender Suicide Myths, Reality, and Help*.

12. **DON'T say that a specific policy (or its absence) will in and of itself "prevent suicide."** Instead, talk about how anti-LGBT laws or policies have been shown to negatively impact the well-being of LGBT people (for example, the American Psychological Association has noted many negative health effects of excluding gay and lesbian couples from marriage).

TALKING ABOUT SUICIDE IN SOCIAL MEDIA

Social media are a vitally important vehicle for expanding public conversations about the well-being of LGBT people, promoting the need for family support and acceptance, and encouraging help-seeking by LGBT people who may be contemplating suicide. The first three recommendations in the *Talking About Suicide in Safe & Accurate Ways* section can provide a strong foundation for talking about these issues in social media.

However, because of the nature, reach and speed of social media, platforms like Facebook, Twitter and blogs can also elevate contagion risks associated with unsafe media discussions about suicide.

In an age of increasingly rapid and dense information, brevity is often the currency of social media. But that brevity can make it difficult to communicate complexity and nuance in social media, and as a result, social media can present unique risks and challenges when talking about suicide.

Everything from re-tweeting to "liking" or "sharing" a Facebook post gives social media a speed and uncontainability that, while not necessarily problematic in everyday contexts, can quickly spread misinformation about a suicide death or endanger at-risk individuals who may be contemplating suicide. For those reasons:

- **Don't use Twitter or Facebook to announce news of suicide deaths.**
- **Don't give details of a suicide death** (for example, details about means of death) **or the ages/personal details of the victim on Twitter or Facebook.**
- **Don't re-post problematic mainstream media headlines** (for example, "Student, 15, Commits Suicide Over Bullying") **on Facebook or Twitter.**

- **Don't talk about suicide "epidemics" in social media.**
- **Be careful how you phrase things on Facebook.** Because Facebook users routinely "Like" posts that interest them or that they want to follow comments on, a post titled "Suicide Claims Life of Another Gay Teen" could be painful for surviving family and/or create a public backlash if people start to "Like" it. Similarly, a suicide-related post titled "Bullying Is Killing LGBT Teens" could increase contagion risk by suggesting that suicide is a natural response to bullying.

Resources

The following organizations can provide additional resources for talking about suicide and LGBT populations:

General Suicide Prevention, Research and Help-Seeking Resources

American Foundation for Suicide Prevention (AFSP)
www.afsp.org

Johnson Family Foundation
www.jffnd.org

Media Education & Messaging Resources

Gay & Lesbian Alliance Against Defamation (GLAAD)
www.glaad.org

Messaging Resources

Movement Advancement Project (MAP)
www.lgbtmap.org

Bullying Prevention & Safe-Schools Issues

Gay, Lesbian and Straight Education Network (GLSEN)
www.glsen.org

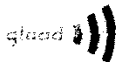
LGBT Youth Crisis & Support Lifeline

The Trevor Project
www.thetrevorproject.org
Trevor Lifeline: 866-4-U-TREVOR (866-488-7386)



ABOUT THIS SERIES

This is one in a series of documents on effectively talking about LGBT issues, also including: Overall Approaches, Marriage & Relationship Recognition, Inclusive Employment Protections, Inclusive Hate Crimes Laws, Adoption & Gay Parents, Ending Don't Ask, Don't Tell, Talking About LGBT Equality with African Americans, Talking About LGBT Equality with Latinos, an Ally's Guide to Talking About Transgender-Inclusive Non-Discrimination Laws, and an Ally's Guide to Terminology. For downloadable versions, visit www.lgbtmap.org/talking-about-lgbt-issues-series or www.glaad.org/talkingabout. © 2011 Movement Advancement Project (MAP).



3. **DO emphasize the vital importance of family support and acceptance—not just as a factor that can help protect against suicide, but also as a crucial part of nurturing the emotional and psychological well-being of LGBT and questioning youth.** Family acceptance builds and supports the health and well-being of LGBT youth. Discussions that follow youth suicide deaths present an important opportunity to remind people—and families of LGBT youth in particular—of how important it is to love, embrace and accept their entire child for all of who they are.
4. **DON'T include details of a suicide death in titles or headlines.** Headlines are often the only things people read, and the need to make them short and attention-grabbing can lead to an emphasis on messages that can increase contagion risk. Also, headlines are often the only things that appear on social media outlets like Facebook, where contagion risks can also be elevated (see *Talking About Suicide in Social Media*).
5. **DON'T describe the method used in a suicide death.** Research shows that detailed descriptions of a person's suicide death can be a factor in leading vulnerable individuals to imitate the act.
6. **DON'T attribute a suicide death to experiences known or believed to have occurred shortly before the person died.** The underlying causes of most suicide deaths are complex and not always immediately obvious. Making hasty assumptions about those causes, even when based on comments from family or friends or media reports, can result in statements that are later proven to be inaccurate. Don't risk perpetuating false or misleading information by jumping to conclusions about the reasons for a particular suicide death. Also, directly attributing a suicide to bullying or another negative life event can increase contagion risk among vulnerable individuals who have similar experiences.
7. **DON'T normalize suicide by presenting it as the logical consequence of the kinds of bullying, rejection, discrimination and exclusion that LGBT people often experience.** Presenting suicide as the inexplicable act of an otherwise healthy LGBT person—or drawing a direct, causal link between suicide and the bullying or discrimination that LGBT people often face—can encourage at-risk individuals to identify with the victim (or the victim's life circumstances) and increase risk of suicidal behavior.
8. **DON'T idealize suicide victims or create an aura of celebrity around them.** Research shows that idealizing people who have died by suicide may encourage others to identify with the victim or seek to emulate them.

Discussions about suicide deaths often rely heavily on numbers and statistics. The following research-based findings may be helpful in understanding the complexities of suicide ideation and behavior.

- A suicide attempt is not a strong predictor of completed suicide. Four out of five people (80%) who die by suicide are male. However, three out of every four people (75%) who make a suicide attempt are female.
 - Suicide rates generally increase with age, with the highest rates among those in the midlife years.
 - There is very little solid information available about suicide deaths among LGBT people. For this reason, be careful not to misrepresent data on suicide attempts by LGBT people as indicative of LGBT suicide deaths. The two are not the same.
 - In U.S. surveys, lesbian, gay and bi adolescents and adults have two to six times higher rates of reported suicide attempts compared to comparable straight people.
 - Surveys of transgender people consistently report markedly high rates of suicide attempts.
 - Two key suicide risk factors for LGBT people are individual-level factors such as depression and experiences of stigma and discrimination, including anti-LGBT hostility, harassment, bullying and family rejection. There is growing evidence that the two factors are linked.
9. **DON'T use terms like "bullycide."** This inaccurate word suggests the murder of a bully, not a suicide death. It can also elevate contagion risk by suggesting that suicide is a natural response to bullying.
 10. **DON'T talk about suicide "epidemics."** This can encourage at-risk individuals to see themselves as part of a larger story and may elevate suicide risk.
 11. **DON'T use words like "successful," "unsuccessful" or "failed" when talking about suicide.** It is extremely dangerous to suggest that non-fatal suicide attempts represent "failure," or that completed suicides are "successful." Instead, simply talk about a *suicide death* or *attempted suicide*. Also avoid the phrase "committed suicide." The word "committed" is usually associated with a criminal act and can re-victimize surviving family. Say *died by suicide* or that the death was a *suicide death* instead.

INTRODUCTION

Expansive news coverage of several recent suicide deaths of youth known or believed to be gay has resulted in an unprecedented national discussion about suicide risk among lesbian, gay, bisexual and transgender (LGBT) people. Some of that coverage, however, has oversimplified or sensationalized a number of the underlying issues, and in some cases may have created the potential for suicide contagion risk (see below).

This guide provides ways to talk about suicide safely and effectively, while advancing vital public discussions about preventing suicide, helping increase acceptance of LGBT people, and supporting their well-being.

The recommendations that follow were adapted in part from existing research and media education materials developed by leading suicide prevention organizations, including the American Foundation for Suicide Prevention and the Suicide Prevention Resource Center. To access some of these original resources, please visit www.lgbtmap.org/talking-about-suicide.

WHAT IS SUICIDE CONTAGION?

Research has shown a link between certain kinds of public visibility and media coverage about suicide, and increases in suicide deaths—a phenomenon known as *suicide contagion*. Suicide contagion is most likely to occur among persons who are already seriously depressed or contemplating suicide.

Contagion risk has been observed when:

- The number of stories about individual suicides increases.
- A particular death is reported in great detail across many stories.
- Coverage of a suicide death is placed on the front page of a newspaper or at the top of a newscast.
- The headlines about specific suicide deaths are framed dramatically (for example, "Bullied Gay Teen Commits Suicide by Jumping from Bridge").

However, research also shows that risk of suicide contagion can be reduced when media report on suicide in a responsible way.

TALKING ABOUT SUICIDE IN SAFE & ACCURATE WAYS

The need for safe public discussions about suicide cannot be overstated. They are a critical part of protecting the health and safety of individuals at risk for suicide. The following 12 recommendations can expand these important

Bullying & Suicide

Research shows that LGBT youth report higher rates of anti-LGBT harassment and bullying than straight youth. But not every person who is the target of anti-LGBT bullying is LGBT. Many who are bullied are targeted because of their perceived sexual orientation or because they do not conform to someone's expectations about gender.

The relationship between bullying and suicide is complex. Research indicates that persistent bullying can lead to or worsen feelings of isolation, rejection, exclusion and despair, as well as to depression and anxiety, which can contribute to suicidal behavior.

However, it is also important to note that the large majority of people who experience bullying do not become suicidal. Suggesting that suicide is a natural response to bullying can lead media to emphasize details that could increase contagion risk. If at-risk people see their own experiences of bullying, isolation or exclusion reflected in stories of those who have died, they may be more likely to think of suicide as a solution to problems they are experiencing.

Whenever possible, focus discussions on the need to systemically address anti-LGBT bullying—but do so in ways that don't increase suicide contagion risk. Avoid taking shortcuts (for example, avoid saying "bullying causes suicide") or using terms like "bullycide." Instead, connect the need for bullying prevention back to the responsibility of individuals (like parents, family and friends), institutions (like schools), laws and society to ensure and promote the health, safety and overall well-being of people of all ages.

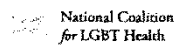
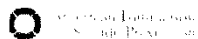
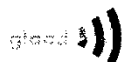
conversations while helping ensure that public discussions about suicide avoid inaccuracies and minimize risk for vulnerable LGBT people:

1. **DO emphasize individual and collective responsibility for supporting the well-being of LGBT people.** Remind people that individuals, families, communities and the whole of society have a responsibility to promote a culture that welcomes, accepts and supports LGBT people for who they are.
2. **DO encourage help-seeking by LGBT people who may be contemplating suicide, and emphasize the availability of supportive resources.** Young LGBT people, in particular, don't often hear that there are adults who care about them and to whom they can go for help.

TALKING ABOUT



Suicide & LGBT Populations



Co-Authors

Contributing Editors



What People are Saying About:

The Role of Faith Communities in Suicide Prevention: A Guidebook for Faith Leaders

"This brief but comprehensive guide on the role of faith communities in suicide prevention is a must-read for faith community leaders in providing compassionate education, prevention and intervention resources which offers hope and loving care to those facing the dark struggle of whether to live or die."

-Rev. Gordon Klett, Calvary Baptist Church, Executive Director of the Bethesda Christian Counseling Center and the Denver Samaritan Counseling Center

"Second Wind Fund hosts the largest suicide prevention event in the country, and a big segment of our support comes from 40 local faith communities. We are so encouraged to see an ever-increasing circle of diverse faiths represented in the suicide prevention movement, taking moral leadership over an issue that faith communities have long wrestled with. This guidebook will help give our faith leaders the tools they need to help their communities prevent suicide, intervene when people are in crisis, and respond in ways that promote healing after a suicide has occurred."

-Jeff Lamontagne, Co-Founder and Executive Director, Second Wind Fund

"This guidebook is rich in practical resources for faith leaders and others who wish to be a supportive presence for suicide prevention and for grieving families and communities after a completed suicide. If you want your faith community to be active in creating an atmosphere in which at-risk people experience alternatives to suicide, try some of the ideas in this book."

-Marlene Thompson, M.A., Ph.D., Author of *Love and Hope for Faith Leaders*

"The tragedy of suicide has been a part of the human story from very early on, and it continues to impact the lives of everyone in our community. Religious congregations have never been immune from this devastating heartbreak because it is often to our Churches, Synagogues, Mosques or other places of worship to which people in need turn for help. Preparing your congregation to respond compassionately, appropriately and intelligently is the aim of this guidebook."

-Sister Peg Maloney, Religious Sisters of Mercy, Catholic Studies Lead Faculty, Regis University

"There is a responsibility we have as human beings to each other and to all life to acknowledge the life-giving spirit each one possesses; there is an imbalance created and left here on mother earth by sending one's own spirit back to the Creator."

-Troy Lynn Star Yellow Wood, Oglala Lakota and Northern Cheyenne, Family Advocate

"The 'Guidebook for Faith Leaders' reminds us to recognize belongingness - fostered by all clergy and routinely achieved by youth clergy - to be as important as the prevention science of realistic thinking."

-Bob Anthony, Executive Director, Adolescent Wellness, Inc.,
www.AdolescentWellness.org

ISBN: 978-0-9799422-2-8



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Notes:



Appendix I: Safe Messaging

Information adapted from: Suicide Prevention Resource Center, www.sprc.org, 877-GEI-SPRC (877-438-7772) Education Development Center, Inc. 55 Chapel Street, Newton, MA 02458-1060

The following information is provided to assist in preparing safe, effective public announcements regarding suicide and suicide prevention. Keep in mind these recommendations when crafting all written and spoken responses to a suicide in order to minimize the risk of a copycat suicide.

Books for Survivors Continued:

- Dougy Center (2001). *After a Suicide: A Workbook for Grieving Kids*.
- Fine, C. (1999). *No Time to Say Goodbye: Surviving the Suicide of a Loved One*.
- Goldman, L. (1996). *Breaking the Silence*.
- Goldman, L. & Goldman, J. (1998). *Bart Speaks Out: Breaking the Silence on Suicide (a workbook for young children to journal their feelings about the loss of a loved one to suicide)*.
- Hewett, John (1980). *After Suicide*.
- Jackson, J. (2004) *A Handbook for Survivors of Suicide*. American Association of Suicidology
- Jamison, Kay Redfield (1999). *Night Falls Fast*.
- Joiner, Thomas (2005). *Why People Die By Suicide*.
- Kletter, J. (2001). *Trying to Remember, Forced to Forget (My Father's Suicide)*.
- Linn-Gust, M. (2001). *Do They Have Bad Days in heaven? Surviving the Suicide Loss of a Sibling*.
- McCracken, A. and Semel M. (1999). *A Broken Heart Still Beats: After Your Child Dies*.
- Mehren E. (1997). *After the Darkest Hour the Sun Will Shine Again*.
- Miller, S. (2000). *An Empty Chair: Living in the Wake of a Sibling's Suicide*.
- Murphy, J. (1999). *Coping with Teen Suicide*.
- Myers, M. and Fine, C. (2006). *Touched by Suicide: Hope and Healing After Loss*.
- Parkin, Rebecca (1995). *Child Survivors of Suicide: A Guidebook for Those Who Care for Them*.
- Quinnett, Paul G. (1987). *Suicide: The Forever Decision - For Those Thinking About Suicide, and For Those Who Know, Love or Counsel Them*.
- Rubel, B. (2000). *But I Didn't Say Goodbye: For Parents and Professionals Helping Child Suicide Survivors*.
- Scholtz, B. (2002). *Our Forever Angel: Surviving the Loss of a Loved One to Suicide*.
- Smolin, A. and Guinan, J. (1993). *Healing After the Suicide of a Loved One*.
- Stimming, M. & Stimming, M. (1999). *Before Their Time: Adult Children's Experiences of Parental Suicide*.
- Williams, J. (1998). *Cry of Pain: Understanding Suicide and Self-Harm*.
- Wolfer, A. (2000). *Healing the Grieving Child's Heart - 100 Practical Ideas for Families, Friends and Caregivers*.
- Wrobleski, Adina (1994). *Suicide: Why? 85 Questions and Answers About Suicide*.
- Wrobleski, Adina (1994). *Suicide: Survivors - A Guide for Those Left Behind*.

DO'S - Helpful Practices for Public Messaging

- **DO encourage help-seeking behavior.** Make concrete recommendations to referral sources and offer steps that can be taken to seek out crisis service providers. One way to offer a concrete resource is to suggest the National Suicide Prevention Lifeline (1-800-273-TALK [8255]).
- **DO emphasize prevention.** Emphasize that suicide is a preventable tragedy and steps can be taken to reduce the likelihood of suicidal crisis within your community.
- **DO educate the community about warning signs, risk factors and protective factors about suicide.** Share how people might be able to identify people experiencing a suicidal crisis. (IS PATH WARM – p.20). Be familiar with risk factors and protective factors and communicate those to the public.
- **DO highlight effective treatments for mental health and mental illness.** 90% of suicides can partially be linked to mental health conditions. Encourage stories of people who have sought out help. Discuss openly how the community strengthens social supports and helps those in crisis.

DONT'S - Potentially Problematic Practices in Public Messaging

- **DON'T glorify or romanticize the stories and experiences of those who have died by suicide.** People in vulnerable states (such as youth) may identify with the attention and sympathy attributed to the person who died by suicide. They should not be presented as role models. Caution needs to be exercised in minimizing the contagion effect of suicide.
- **DON'T normalize suicide by presenting it as common.** It is important not to present suicide as a common or normal event that is depicted as acceptable. Instead, emphasize that an acceptable and normal action is to find constructive ways of dealing with suicidal ideation.
- **DON'T overly simplify the complex nature of suicide by concluding that one or two things caused the death.**
- **DON'T discuss overly descriptive details of the method of suicide.** Vulnerable individuals may be more likely to imitate the act if they are able to envision the methods previously used.



Appendix G: Depression Screening

Mental Health Screening *Free & Confidential*

Depression • Bipolar Disorder
Generalized Anxiety Disorder
Post Traumatic Stress Disorder

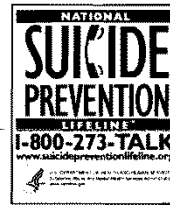
Suicide is a preventable tragedy often finding roots in depression or mental health disorders.³⁹ The following are mental health-screening tools. Promoting mental health awareness in your community includes screening for mental illness as well as connecting people with pastoral counseling and mental health professionals.

Visit:

- www.mhacolorado.org
 - Click On: Help Starts Here: Resources
 - Then Click On: Mental Health Screenings
- www.depression-screening.org
- www.alcoholscreening.org

³⁹ The use of the phrase "mental health disorder" or "mental illness" is an issue of debate in the mental health community. Many people struggle to move towards a more healthy picture of mental health in their lives. Perhaps it is useful to think of the struggle towards mental healthiness. On the one hand, the term "mental illness" underscores the biological basis for many major diagnoses. The term "mental disorder" is preferred by some because, once things get out of order, can be put back in order. On the other hand, some feel these terms are associated with stereotypical images of insanity.

Appendix H: Resource Page



Call 911

Don't hesitate to involve the police—
saving a life is worth the "trouble"

■ Suggestions of People to Talk to if you are Worried About Someone:

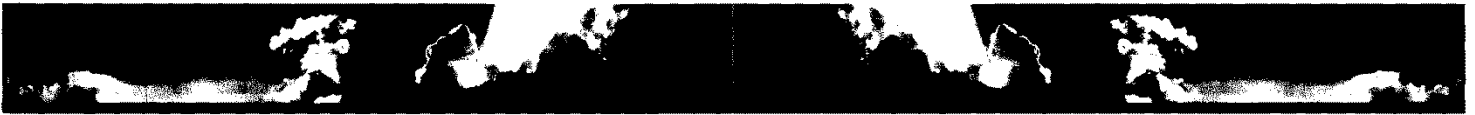
- A mental health professional in your community
- Another faith leader from the larger community whom you trust
- Your crisis team (one that has been set up in advance)
- Police, emergency medical responder, or safety officer in your community
- A pastor trained in pastoral counseling

■ Resources for Survivors:

- American Association of Suicidology (AAS) maintains a database of survivor groups at:
 - www.suicidology.org – then click on "Suicide Loss for Survivors" link
- www.FierceGoodbye.com
- www.PeoplePreventSuicide.org

■ Books for Survivors:

- Baugher, B. & Joran, J. (2001). *After Suicide: Coping With Your Grief*.
- Bloom, L. (1986). *Mourning After Suicide*.
- Bolton, I. (1991). *My Son, My Son: A Guide to Healing After a Suicide in the Family*.
- Carlson, Trudy (1995). *Suicide Survivors Handbook*.
- Chilstrom, C. (1993). *Andrew, You Died Too Soon: A Family Experience of Grieving and Living Again*.
- Clark, S. (1995). *After Suicide: Help for the Bereaved*.
- Cobain, Beverly (2006). *Dying to Be Free*.
- Collins, J. (2003). *Sanity and Grace: A Journey of Suicide, Survival and Strength*.
- Donnelly, K. (2000). *Recovering from the Loss of a Sibling*.



Appendix C: Faith Community Service Template

■ Order of Service:

- Personal story from a member of your faith community who has been impacted by suicide. This is an invitation to the community to ignite a passion for care and concern for the issue of suicide.
- The main message of the service can incorporate how the foundations of faith combined with the strength of community can help bring individuals through the "dark times of the soul." Incorporate your specific faith tradition's messages of hopefulness and compassion. What about your faith can help promote a passion for life?
- **Call to Action:** ask a member of the community to light a candle as a symbol of dedication to a "Passion for Life."
- Point out that this is a "job for us all!" Lead the community in a collective prayer with a community response:
 - **Leader:** As we consider those in our community and our world who struggle with emotional turmoil and pain...
 - **All:** Ignite in us a passion for life
 - **Leader:** Provide us with wisdom to encourage our brothers and sisters to seek solace in community...
 - **All:** Give us compassion for those who have experienced "dark times of the soul"
 - **Leader:** Let us remember and lift up those who have lost loved ones
 - **All:** Help us to love, encourage and support the survivors in our community

Dedicate one service during the year to the topic of "Passion for Life"

Appendix D: Disseminating Information About the Suicide Event

■ Disseminating Information

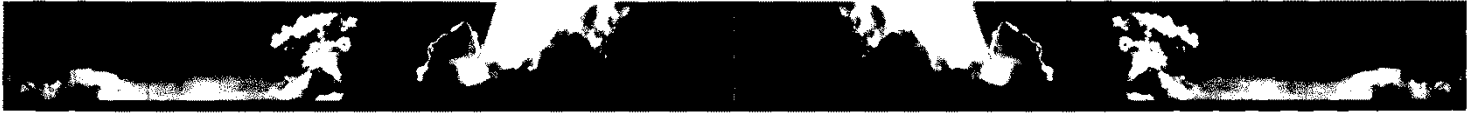
- There often is no way to keep a suicide a secret, even if the family requests it.
- It is important that the death be addressed accurately and directly. Once basic facts of a suicide are known, any attempt to delay or deny information may only encourage rumors.
- The family may wish to keep some information confidential, and this should be respected whenever possible.²⁸
- Most survivors can remember years later how they first learned of a suicide.

■ How the Information is Passed on is Very Important

The following steps are recommended:

1. Verify the information from police and/or medical examiners.
2. It is crucial to tell leaders of the faith community first, ideally as a meeting or chain phone call. They, too, may have intense reactions and need an opportunity to deal with their own feelings prior to discussing with faith community members.
3. It helps each individual to first hear about the death from a familiar person.
4. Prepare a brief written statement to be presented to community members as a whole.
5. Send a letter to community members. The purpose is to reduce the likelihood of distortions and to alert families to be sensitive to reactions to the tragedy. The letter should encourage individuals and families to come to the faith community with personal concerns and to report concerns. Both the letter and written statement should contain the facts about what is known about the death without disclosing the means of suicide. These documents should also direct community members on what they can do to help.

²⁸ It should be noted that even if a family may wish to keep information about suicide confidential, the cause of death is public record (which may be discoverable by the media). Also, it is worth discussing the emotional and energy toll that it might require to keep a suicide a secret.



Appendix B: Remembrance Ceremony

Darkness Transformed The Light Goes On...

Sally Spencer-Thomas
Executive Director, Carson J Spencer Foundation

Room Set Up:

- Table 6' – skirted and draped in center of room
- Several circular mirrors of different sizes on table
- Three large white pillar candles lit on table
- Smaller candles in glass votives displayed around table at different heights
- Lights dimmed, soft music playing as people enter and gather around the table
- Podium with pillar candle and flowers
- People enter and receive program

Responsive Reading:

We hold our loved ones in our hearts and remember them...

For the love they gave to us

We are grateful.

When we need comfort, guidance, humor or strength.

We remember them.

For the good times they brought us.

We are grateful.

When we have celebrations in life we want to share.

We remember them.

For the good people who surround us, who know the reality of love and loss.

We are grateful.

For as long as we live and remember them, the light goes on.

May they be forever in light.

Ceremony of Light and Remembrance:

Music and Reflection – soft reading of names from book of remembrance

Introduction:

- Leader – Act of Remembrance is Sacred
- Sometimes we forget because we're busy or because it is too painful
- Remembering can be selective – what to let go, what to retain
- Part of the psychological and spiritual healing process
- Grieving is a form of honoring them

In a moment we will light candles of remembrance and honor those who have taken their lives. The candles will symbolically transform the darkness of this room to light. As you light your candle you can honor your loved one in the way that feels most comfortable to you. You can just think the person's name, you can say the person's name out loud, or you can say their name and one thing you are grateful for regarding what they brought to your life.

Closing Poem

Hearing things more than beings,
listening to the voice of fire,
the voice of water,
Hearing in wind the weeping bushes,
sighs of our forefathers.

The dead are never gone:
they are in the shadows.
The dead are not in earth:
they're in the rustling tree,
the groaning wood,
water that runs,
water that sleeps,
they're in the hut, in the crowd,
the dead are not dead.

The dead are never gone,
they're in the breast of a woman,
they're in the crying child,
in the flaming firebrand.
The dead are not in earth:
they're in the dying fire,
the weeping grasses,
whispering rocks,
they're in the forest, they're in the house,
the dead are not dead.

- Birago Diop, Senegal

Our service of remembrance has come to a close. You may stay for reflection or sharing if you like.





Appendix A: Healing Ceremony

Program Outline:

Note: This idea was adapted from
LaRita Archibald's healing ceremony.

Survivor Memory Book:

As people come to the event, have them write down the name of the person they lost to suicide in a memory book. The list of names will be read at the end.

Music:

Adds greatly to the emotion of the event. A simple acoustic ensemble is very moving – guitar, piano, flute. The music should be chosen with care. If the event is around the holidays consider: Silent Night, A Bleak Midwinter, or others.

Sample Reading:

We mourn the loss of our loved ones. For many of us the darkness of our loss and sorrow has overshadowed our love of life, has held back happiness and has blinded us to the blessing of wonderful memories.

Light is the symbol of hope. Even the tiniest flame illuminates darkness. As our celebration candles glow, let their radiance warm our grief-frozen beings and remind us of the wonder of love. Let us rejoice and celebrate the richness of a life and relationship shared.

[Other poems and responsive readings can be interspersed throughout the program, depending on the length desired]

Candle Lighting:

For those that want to participate, as the category of the loved one they have lost is read, each person comes forward to light a small votive candle and place it on an altar. Pause to wait until each group has finished lighting their candles before going onto the next.

In Memory of Mothers: Sample Reading

You gave me the gift of life and tenderly held and cared for me. You laughed and made good times within our home. Caregiver, teacher, the essence of love, is the memory I have of you. Mother, I celebrate your life.

In Memory of Fathers: Sample Reading

You taught me that gentleness was not weakness and that strength was not power or force. Dad, I fill this void with memories of all you taught and meant to me and celebrate your life by sharing memories of you with others.

In Memory of Sons: Sample Reading

I mourn the lost dreams of graduation, college, marriage, and grandchildren, carrying on the family name and your companionship as I grow old. I treasure memories of happy times shared and, always, my son, I celebrate your life.

In Memory of Daughters: Sample Reading

Part of my own life has died in your death, my sweet daughter. Gentleness and laughter and loving is you. I will carry to eternity cherished memories of our time together. I celebrate your life and the blessing of the love we shared.

In Memory of Brothers: Sample Reading

My brother, my friend, your unbearable anguish that we couldn't share is now left for me. I am thankful that as time passes I am able to focus on the good times and the camaraderie. I celebrate your life and the bond we shared.

In Memory of Sisters: Sample Reading

Dear sister, forgive me for not knowing that, for you, the future had lost its promise. I grieve for your unfulfilled dreams. I will cherish your memory always. I celebrate your life and the special friendship we shared.

In Memory of Partners: Sample Reading

Our lives had become one and that part of me died when you, in your pain, left me. Dear, partner, I am grateful for the treasury of memories I have of you, of our love and our life together. I celebrate your life and I'm thankful for the blessing of sharing it. Companion, partner, sweetheart. Respect, trust and abiding love enriched our years together. Love is beyond the touch of death, my darling one. I celebrate your life and our love for one another and will forever cherish your memory.

In Memory of All Other Family Members: Sample Reading

You were someone very special in my life. I ask forgiveness for the missed opportunities to make life more enjoyable for you. I cherish memories of you and celebrate your life and our relationship.

In Memory of Friends: Sample Reading

You were the one with whom I shared my dreams, confided my fears and trusted my secrets. It's painful accepting that I can no longer enjoy with you all the things that meant so much to us. I will always celebrate your life and friendship.

In Celebration of Their Lives: Sample Reading

The most beautiful and lasting tribute we can make to those we loved who have died is renewed focus on the future...a future nourished by our memories of them, by thanksgiving, by peace of mind and by the joy of ever-deepening relationships in our continuing lives.

Silent Reflection:

Let the participants sit in silence after the candles have been lit. Read the names from the survivor memory book slowly. As music plays, the participants can leave when they are ready.



Conclusion

The poet Robert Ingersoll once wrote, "In the night of death, hope sees a star. And listening love can hear the rustle of a wing." Faith communities can be that shining light of hope to bring people through the dark night of the soul; they can hold on to the hope for the hopeless. They can illuminate the way for those who are resistant to help or for those whose ideas about mental health create barriers to a well society. Finally, faith communities can be beacons to engage others in the movement of suicide prevention and mental health advocacy.

We thank you for your interest and support, and we welcome your ideas, suggestions, and successes as we continue to build our campaign.

Please visit our websites and send us your suggestions:

www.CarsonJSpencer.org

www.WorkingMinds.org – suicide prevention for the workplace

www.PeoplePreventSuicide.org – suicide prevention for faith communities, colleges and universities (downloadable posters and brochures for faith communities here)

www.TheGiftsofHope.org - resources for families bereaved by suicide

Appendices

- A. Healing Ceremony
- B. Remembrance Ceremony
- C. Faith Community Service Template
- D. Disseminating Information
- E. Decision tree for action
- F. Self-care for helpers
- G. Depression screening
- H. Resource Page
- I. Safe Messaging



2. **Crisis Plans** – what should people do if someone is acutely suicidal during a faith community function (e.g., a youth on a retreat)?
3. **Postvention Plans**– how will this faith community respond to the requests for funerals and memorial services for those who have taken their own lives? What will be done to support a community bereaved during the immediate impact and over the long-term? Remember – postvention is an important part of prevention.

■ Language

Those who are charged to publicly discuss suicide should monitor the language they use. For example, previous terminology about suicide such as “committed suicide,” “successful suicide,” and “failed suicide attempt” connote the concept of success or failure in an endeavor. Instead suicide is an often tragic outcome of mental illness. Thus, language such as “completed suicide,” “died by suicide,” or “suicided” is more appropriate.

Additionally, caution should be exercised in glorifying the suicide in any way. On the one hand, acknowledging the positive aspect of the person’s life while alive is a critical piece to honor for survivors of suicide loss. On the other hand, the glorification that they may now be in a peaceful place in afterlife, may be interpreted as a reward for the act of suicide. A further distinction can be made between how the person was suffering and experiencing great turmoil and the need to learn how the community can support people in the midst of crisis. Provide a call to action for communities to provide resources, to care for those in crisis and to help find effective solutions.

■ Memorial Services

Memorial Services are an opportunity to promote healing, allow for grieving and to comfort those who are experiencing emotional pain due to their loss. Help survivors find comfort within the context of their faith community and the tenets of faith. (See Appendices A and B)



■ Debriefing

Debriefing provides a way for involved parties to process a crisis event in its aftermath. One debriefing model that is commonly practiced is CISD or CISM (Critical Incident Stress Debriefing / Critical Incident Stress Management). This model’s effectiveness is currently in debate as it might lead to re-traumatizing or exposure to unnecessary details of a traumatic event.

A new model of debriefing promotes resiliency to traumatic events and encourages strengths-based coping behaviors.²⁶ This model encourages individuals to rely on their natural resiliencies to traumatic situations instead of focusing on the traumatizing details of the event itself. A number of debriefing steps are suggested:²⁷

- **Post-Incident Meetings** - invite impacted parties and survivors to an informational meeting.
- **Offer On-Site Group Sessions** - invite crisis professionals to provide a resiliency briefing.
- **Individual Meetings** - encourage survivors to seek out individual support meetings with a crisis professional.
- **Follow Up** - crisis professionals can follow up throughout the year with surveys and on-site meetings.

“Today we offer Christian burial for victims of suicide, but at one time the Catholic Church didn’t allow victims of suicide to have Christian mass. Now we always follow charity and we do not judge. God is the only one who can make a judgment on a human’s soul. We don’t know the final thoughts, prayers, or regrets of the person who has died. We pray for their souls and let God be the judge. We do not punish a family that had no control over this. If the mass is requested by the family, it will be celebrated. God is a merciful and compassionate God. Mental illness, psychological disturbances, suffering or torture can diminish the responsibility of the person and a person cannot be held culpable for their actions. God can not condemn someone who did not know what they are doing.”

“As we look at Jewish law, there can appear to be a very harsh clear line of distinction, but I believe the Judaic interpretation would say there is incredible compassion and support especially when someone is identified as having an unsound mind.”

26. Stuenkel, T. (2003). A Strengths-Based Approach to Crisis Response. *Journal of Workplace Behavioral Health*, 21(2), 19-30.
27. Rother, B.T., Jurek, M.L., T.T. (2004) An Alternative to Stress Debriefing: Risk Management Retrieved from http://lib.arts.utoronto.ca/etd/etdm_qw3327n_20040516_02134813 on May 1, 2008



■ Allowing for Grief Process

As previously mentioned, everyone experiences grief and loss in a unique way. There is no "right" way to experience grief. Grief is an intensely personal process that calls upon community assistance when it feels appropriate. There are a number of theories in the research that relate to the grief process. One classic example of dealing with grief and loss comes from Elisabeth Kübler-Ross, in which five stages of grief are somewhat sequentially attended to or experienced. However, it is possible that the grief process of survivors of suicide loss may display some differences.

■ Kübler-Ross Stages of Grief

Stages

1. Denial and Isolation
2. Anger
3. Bargaining
4. Depression
5. Acceptance

Potential Complications in Grieving Suicide

Feelings of survivor guilt – what could I have done to save this person? Why did they have to die?
Ostracism from community
Feeling relief that the person has died and subsequent guilt
Loved one may be believed to be in hell
Unable to accept loss because of internal and external blame

Tenets of Faith

■ Fierce Goodbye

The Fierce Goodbye book and companion DVD published by Mennonite Media has been mentioned a number of times throughout this guidebook as a resource for faith communities. Specifically, Fierce Goodbye stands out as a resource for faith communities within the Christian tradition. The DVD follows the story of a number of survivors of suicide loss. Their stories share a common element of struggling to find their own grief process and some discuss that struggle within the context of a faith community. The book Fierce Goodbye: Living in the Shadow of Suicide written by G. Lloyd Carr and Gwendolyn C. Carr²⁴ explores both artistic, poetic responses to the emotional impact of suicide and an intellectual and theological exploration of forgiveness after suicide.

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"In the aftermath of my brother's suicide, my faith community was there for me. He wasn't even a member of our church, but they allowed his memorial service to take place there and our minister facilitated a service of dignity and compassion for him. The church community embraced me fully – bringing us meals and comfort for the following weeks and checking in with us over the subsequent years. Since then, the leadership team of my faith community participates in an annual healing ceremony for people bereaved by suicide that we conduct every December, and we participate in suicide prevention walks as a faith community. As a survivor of suicide loss, this support has been an amazing part of my path to recovery."

24. Carr, G.L. & Carr, G.C. (2004). Fierce Goodbye: Living in the Shadow of Suicide. Herald Press.

■ How Does Religion View Suicide?

For some communities suicide is a controversial subject and many faith traditions may differ on this topic. Within some major faith traditions, suicide has historically been seen as "self-murder" and was therefore thought of as "unforgivable." Survivors of suicide loss can become wracked with guilt and shame over the prospect of their loved ones spending eternity away from paradise and God. In Fierce Goodbye, the authors examine all the Biblical scripture related to suicide. The authors conclude that the Bible does not seem to suggest that suicide is a unique category of sin that necessitates damnation. A number of examples were provided previously in Part I: Prevention – Programming Suggestions – Educational programs and discussion groups (pages 15-16).

Pastoral Care

■ Dissemination of Information

The task of informing the community in the event of a suicide may fall to the religious leaders and pastors of the faith group. A delicate balance between providing accurate information to the community and simultaneously minimizing the possibility of copycat suicide is needed. Misinformation hinders the process of grief and healing among survivors and community members. It is useful to provide clear, accurate information of the suicide. Engaging in theological discussion about the "right" or "wrong" nature of a suicide hinders healing and may leave survivors feeling guilty. Some tips on disseminating information are provided in Appendices D & I.

■ Standard Operating Procedures

Publishing a set of Standard Operating Procedures is one way to create clear expectations for responding to suicidal crises as an institution. These protocols should address:²⁵

1. **Communication Plans** - who should people tell if they are concerned about someone's impending suicide? Who has the authority to act on this communication? How might bits and pieces of information be funneled into a vortex so that people who are in a position to intervene have all the relevant data? How will interventions with distressed community members be recorded?

Download this poster:
PeoplePreventSuicide.org



"My daughter, when she was 6 years old, attended Catholic school, and her classmate told her that her brother was in hell because he died by suicide. At 6 years old, she's told her brother's in hell. As a parent I believe he is in heaven. I had to go to the parent of the child who said that and the teacher to let them know what was going on because my daughter was a survivor...survivors aren't always twenty-five-year-olds and up."

25. Ibid.

24. Adapted from: Jed Foundation's Framework
www.jedfoundation.org/documents/FRAMEWORK.pdf
(retrieved 3/8/20)

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2. **Reclusive** – depressed, isolated personality styles

These personalities may feel equally challenging to work with because of difficulty in drawing out reclusive individuals. These individuals may shrink back and become difficult to notice. They may prefer to remove themselves from activities, groups, and connections with others. However, as people isolate themselves from the community, feelings of depression increase. The task for drawing out reclusive individuals is to be warm, kind, patient and to invite them back into activity and community with others.

■ **Larger Community Resources and Referrals**

As a team of responders within your faith community, it is useful to maintain relationships with mental health providers in the community around you. Referrals to mental health providers are necessary once suicidal individuals have been identified. If the suicidal person is in crisis (e.g. direct threat, attempt or significant agitated depressed state), then immediate action is likely to help keep the person safe. Under these circumstances, call 911 or 1-800-273-TALK (8255). When the situation is less serious, take time to listen to the person in crisis, be ready to accompany them to family or friends who can watch over them. Once the suicidal person agrees to seek out further help, connect them with a mental health professional.

Quick Tip:

When someone is ready to seek help, faith communities should be prepared with a number of resources and referrals. Brochures, fact sheets, phone numbers, websites, and a list of preferred providers are most useful when organized before a crisis. Several copies of these resources should be made available to different faith leaders and updated regularly.

"Years ago I befriended a young woman who had attempted suicide a number of times. My friend was working with a pastor who was very helpful to her. The pastor never treated this young woman like she was sick, but instead was gracious, compassionate and loving towards her. I think that people with mental illness or disability of any sort should not be identified completely by their struggle. Instead, and I believe that this was helpful to my friend, people should be treated with respect and dignity and encouraged to interact normally with others. As a friend to this woman, I let her know that I valued her and I did not want her to die. I let her know that I would not give up on her. Eventually, with a combination of supportive friends, professional mental health care and medication, my friend is doing much better. I know she is doing better because over the past few years when I experienced the loss of my parents and my brother, she was able to reach out to me in a time of grief. I think there was a time in the midst of her own struggles that she would not have been able to offer that compassion and support. Over the years, we have both been blessed by the friendship."

Part III: Postvention

Although suicides can be prevented in many cases, particularly when people are trained on how to identify warning signs, the tragedy of suicide still occurs. The response from the community, the leadership of faith organizations and from well-meaning caregivers can either promote recovery or distract from the healing process. The following section describes the do's and don'ts of responding to suicide.

Community

The community can play a significant role in responding to the loss of someone to suicide. Survivors of suicide describe feeling a range of responses from the community: some survivors feel loved, cared for, welcomed and supported. Other survivors feel ostracized, misunderstood, alienated and alone. How then should the community react in order to promote feelings of support in the midst of a tragedy? Some ideas that follow are: asking survivors how they would like to be included in community events; allowing for the grief process of survivors; and offering support through groups and grief counseling.

■ **Asking Survivors of Suicide Loss How They Would Like to be Included**

Survivors of suicide loss may be family members, loved ones, friends, and colleagues. Many will grieve, mourn, experience sadness, anger, hurt, guilt and a myriad of other emotions for days, weeks, months and years to follow. The community can allow for survivors healing while including survivors in the normal activities of the community. Survivors share that in the weeks following the loss of a loved one to suicide that faith communities are usually comforting and responsive—they bring meals and conduct memorial services, however in the weeks following the loss, the feelings of isolation from the community commonly set in. Many survivors feel that the other individuals in the community do not know how to talk to them and feel that they have been isolated in their time of need.

Instead, survivors of suicide loss may wish to be included in the life of the community. They may need to talk about the loss of their loved one. Of course, every person experiences grief and loss in a unique way. The challenge of knowing how to respond to those bereaved by suicide can be overcome with a direction of compassion from the faith leader.

Postvention

An intervention following a suicide that supports bereaved community members. Attention is given to preventing further suicides by at risk individuals.

Quick Tip:

When in doubt check it out - ask "how can we support you at this time?"



Pastoral Care

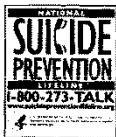
■ Crisis Counseling

Pastors and religious leaders often counsel and work with people who are experiencing pain and considering suicide as a way to escape. Many people seek counseling from their religious leader before they consider seeking help from a mental health professional. In fact, clergy and pastors spend on average nine and a half hours per week counseling individuals, the majority of whom report suffering from depression.²¹ In many ways religious leaders are the frontlines of where people turn in a moment of crisis. While this may create pressure and anxiety for faith community leaders, particularly due to the seriousness of suicide, it points to the need to be trained and ready to respond to people in crisis. (Appendix E for Decision Tree for Action)

When clergy and religious leaders realize that someone may be in crisis based on warning signs or overt or covert communication, they should respond by:

1. Keeping the person safe
2. Providing a listening ear, understanding and support
3. Ensuring that the individual in crisis receives additional professional care

■ Note:



The Suicide Prevention Lifeline (1800-273-8255) is a national call number that routes to locally operating crisis call centers 24/7. Operators at these call centers are trained in crisis communication and are knowledgeable of local resources.

21. Weaver, A., & Koenig, H. (2006). Elderly Suicide, Mental Health Professionals, and the Clergy: A Need for Clinical Collaboration, Training, and Research. *Death Studies*, 20(5), 495-508.

Overt communication (most common)

Covert communication (most likely)

Quick Tip: Know Your Limits

"Medical, ethical, and legal issues can arise when clergy cross the line from offering faith-based listening and guidance to counseling someone in a therapeutic manner. Well-meaning clergy have been sued because they have overstepped appropriate boundaries while engaging in empathetic pastoral relationships. Be sure your congregants understand that while you are always willing to listen and minister to their spiritual needs, you may not be the best person to provide direct care for certain issues. Consider partnering with mental health and other health care professionals in your community, and maintain a list of therapists to share with troubled parishioners. You may be able to find professionals whose religious or cultural backgrounds are similar to your congregants, which will allow a troubled person to make an easier transition between you and a mental health professional."

-- Suicide Prevention Resource Center

■ Terms of Crisis Counselors and Responders

While members of a faith community may seek out their religious leaders primarily in a time of crisis, leaders may experience compassion fatigue or vicarious trauma²² or burnout as a result of too much contact with high needs, high anxiety community members. Before burnout or vicarious traumatization occurs, community leaders can take steps to take care of themselves and their own emotional and mental health needs. (Appendix F: Self-Care for Helpers)

Additionally, faith communities can develop teams of individuals who are interested and willing (and preferably trained) to respond to individuals in need. A team effort of responding to high-needs individuals helps spread the support. A team of responders also allows for peer supervision and debriefing.

■ Responses to Different Personality Styles

A team can also assist in responding to different types of individuals. Types of personalities that may be encountered when responding to suicidal individuals can include:

1. Impulsive = reactive and boisterous personality styles

Within a community these personality styles can cause a great deal of interruption, discomfort and may appear odd to most outsiders. The task for dealing with these personality styles is to contain and minimize the impulsivity of the behaviors. Psychologist Marsha Linehan²³ describes a philosophy that is useful to adopt when working with impulsive individuals. She says to remember that these individuals are "doing the best they can" and the best they know how at any given point. They may in fact be trying desperately hard to fit in or "act normal." However, despite their best efforts and best wishes, they present challenges to the caregiver. When faced with this situation, caregivers benefit from trying to understand how the disruptive behavior is functional for the distressed person and offer alternative ways to achieve the same outcome with a different, more desirable process.

22. Secondary Traumatic Stress = occurs when the helper becomes traumatized by the information s/he hears about the trauma experienced by another.

23. Linehan, M. M. (1993). *Cognitive-Behavioral Treatment of Borderline Personality Disorder*. New York: The Guilford Press.

Pastoral Counseling

- Number of sessions are usually fewer than ten and supportive in nature
- May include follow-up and checking in with someone previously seen for counseling
- Ongoing support
- Spiritual guidance is the focus for emotional support
- Theologically based and may integrate religious texts often
- May or may not be licensed mental health clinicians

Clinical Intervention

- Number of sessions vary and can be long term
- May include psychiatric testing and diagnosis
- Therapeutic intervention directed at learning how to cope with life stressors or reframing life experiences
- Trained for crisis intervention
- Able to navigate and initiate psychiatric, nonvoluntary hospitalization on people at risk for self harm
- Regulatory boards oversee licensed clinicians
- Integrate client's spirituality into therapy and treatment

Vicarious Trauma and Compassion Fatigue

The physical and emotional toll that can occur when listening to others stories of pain, upset, disappointment. "The stress of caring too much."



■ What is Involved in Suicide Prevention Gatekeeper Training:

The training prepares gatekeepers to "Ask the Question" and gives them opportunities to practice. Examples of asking someone clearly if they are contemplating suicide are:

- Are you thinking of suicide?
- Do you want to die?
- Are you thinking of taking your life?

Unclear ways of asking (and should be avoided) include:

- Do you wish you could go to sleep and not wake up?
- You don't want to die, do you?

Asking in the negative "you don't want to..." gives people an out...a way of denying what they might be experiencing, and gives them the message that you cannot handle their response.

Direct questions leave no room for ambiguity and confusion. It may feel awkward, but asking someone directly may relieve their anxiety and can free them up to talk to someone instead of acting on a suicidal crisis.

The training goes on to teach participants how to persuade others to seek help and how to refer to appropriate care. The most important part of the training, however, are the experiential exercises that give people an opportunity to practice their skills in a simulated situation.

****Please note that this summary of gatekeeper training is not intended to take the place of an actual training. Encourage your community leaders to get trained****



Tenets of Faith

■ Prayer, Meditation and Healing Ceremonies

One of the unique ways faith communities can respond to the crisis of suicide is to offer intervention in the form of prayer, meditation and healing rituals. By focusing on spiritual issues such as forgiveness, hope, and a greater meaning, people can often find inner resources to help bring them through tough times. Again, many of the world's faith traditions have made these tenets central to their identity.

■ Religious Quotes About Faith and Despair

"For our light and momentary troubles are achieving for us an eternal glory that far outweighs them all. So we fix our eyes not on what is seen, but on what is unseen. For what is seen is temporary, but what is unseen is eternal."

-- Corinthians 4:17-18

"No one saves us but ourselves. No one can and no one may. We ourselves must walk the path."

-- Buddha

"O you who believe! Strengthen yourselves with resolution and prayer. Indeed Allah is with those who persevere in adversity."

-- Quran, Al-Baqara, Surah 2:153

Healing rituals are another way that faith communities can provide hope in the midst of sadness or crisis. Examples of healing rituals are provided in Appendices A & B. These particular examples are directed towards survivors of grief and loss.

I came to have a very clear spiritual encounter with God through my own near fatal suicide attempt as a minor. I found myself in a hospital room by myself feeling very ashamed, believing that I had made a decision that was beyond God's forgiveness and mercy. I was extremely grateful to come to an understanding that God is merciful and compassionate.

In the Buddhist perspective we do things to calm the mind. When we chant in a fellowship of a community of other people, you experience love and acceptance. In my depths of my suicidal thoughts it was the isolation that backed me in a corner, from which I couldn't get out. The mind is a very powerful thing and when it is trapped, it is trapped. We do whatever we can to pull people out of it. For someone in a suicidal crisis, chanting may be more helpful than meditation because the mind is not well and may latch on to negative ideas. Suicidal folks focus more on chanting repeatedly to help calm and distract the mind.



■ Warning Signs

Warning signs are changes in behavior that people often see when people are getting close to ending their lives. People who are in danger of taking their own lives may try to reach out to others - sometimes directly, sometimes indirectly. Rarely will at-risk individuals immediately volunteer the information that they are thinking of harming themselves. Instead they might exhibit some warning signs. The most common are verbal or written threats of suicide. They may be making direct threats like "I am going to kill myself" or veiled threats like "I wish I were dead" or "People would be better off if I am not around" or "Soon you won't have to worry about me" or "I just can't take it anymore. I am done." Or they just may seem preoccupied about suicide, death, or dying.

If the person has a suicidal plan and the means to carry it through, this is a serious warning sign that requires attention (note: some attempts, especially in youth are impulsive. Thus, absence of a plan is not evidence of absence of risk). Increased substance abuse can sometimes make the difference between ideation (thinking about suicide) and a suicidal act. Another important warning sign is the presence of an agitated depression - the person is despondent, but they are pacing, irritable, and unable to sleep. This can sometimes be a sign that they are getting closer to a deadline they have set for themselves to die.

If someone you know is displaying these behaviors, ask them what might be going on. Ask them how you might be able to help. Send a message of hopefulness. Let people in crisis know that you and the community are available to listen and to help. By spreading the awareness of warning signs and risk factors, you can empower your community to take action and save a life.

An easy mnemonic to remember what warning signs to look out for is: **Is Path Warm**

Quick Tip: Warning Signs

Ideation (thoughts of suicide or dying)
Substance abuse

Purposelessness
Anxiety
Trapped
Hopeless

Withdrawal
Anger
Recklessness
Mood changes

Source: American Association of Suicidology

Note:

When seen in conjunction with some of the above-mentioned warning signs, an additional specific warning sign might call the attention of faith communities and that is a change in religious behavior. For instance, those who were previously ambivalent about their faith but now are showing up regularly to services with lots of questions about the afterlife might be preparing to meet their Maker. Others who were previously involved and now are avoiding religion might be struggling to resolve their fear about the spiritual consequences of suicide.

■ Everyone Can Play A Role

Faith leaders can share the message that suicide affects everyone, and we all can play a role to prevent it. Being a part of a community means that there is a shared sense of responsibility when things go well as well as when things do not go well. The major world religions charge their patrons to care for the less fortunate individuals of the world (orphans, widows, the sick, and the needy), those who struggle with mental illness and who are contemplating suicide certainly fall into the category of those whom we are called to aid. Previously, most people thought that only the highly trained experts could be called upon to care for the suicidal and thus, people did not feel that they had the ability to intervene. The truth is there are very few highly trained experts and many, many people who are in contact with those at-risk for suicide. Thus, we need to train many more people to be minimally competent to assist when there is a crisis. People can take many roles on this issue - from those trained in counseling, those who can speak about the issue to the public, those who can organize a community walk, those who can provide bereavement support for families, and many more.

■ Suicide Prevention Gatekeeper Training:

Faith community leaders can offer training that empower bystanders who know what to do when a crisis occurs. Just like CPR, suicide prevention gatekeeper training is an emergency response to someone in crisis and can save lives. There are several models for suicide prevention gatekeeper training that can last from one and a half hours to two days: QPR, ASIST, SafeTeen, and Yellow Ribbon are just some of the models available (See QuickTip right). Through skill building and behavioral rehearsal, these programs prepare community leaders and volunteers to become gatekeepers and most have train-the-trainer programs that help make the program self-sufficient. The training promotes the idea that suicide is preventable.

■ gatekeeper

A gatekeeper is anyone who is in a position to recognize the warning signs that someone might be in crisis or contemplating suicide.

Quick Tip:

For more information on models of suicide prevention gatekeeper training, go to:

www.suicidology.org/gatekeeper_manual.pdf

■ Who are the Suicide Prevention Gatekeepers in your Community?

The following are a few roles where Suicide Prevention Gatekeeper training may be appropriate:

- Youth workers and volunteers
- Those who offer counseling
- Small group leaders
- Musicians, artists, choir groups
- Those who work with the elderly
- Outreach personnel
- Concerned parents
- Empowered teens
- Staff members
- Teachers
- Memorial Service Coordinators



Pastoral Care

■ Setting Tone for the Importance of Suicide Prevention

As your community's faith leader, the group looks largely to you to set the tone for issues of importance and concern. Attending to suicide as a preventative effort and putting together ways of responding before a crisis occurs is easier than attempting to respond in the moment of a crisis. Faith community leaders are in a position of sending a message of hope about preventing suicide. As a largely preventable crisis, faith leaders can share with their communities how to prepare, respond and listen to someone who might be experiencing a suicidal crisis. Instilling the belief in the community that suicide is preventable and that each person can play a role in the prevention of the tragedy can empower community members to be action-oriented. For instance, faith leaders can deliver a message of advocating for suicide prevention through dedicated services. (Appendix C)

Discussion Point: Suicide as a Sin

"Most world religions believe that life is a gift to God and harming that life is a grievance against God. On one hand this mandate is a lifeline for people who know if they follow through with suicide that there will be consequences. On the other hand, it creates shame for those who might be struggling with suicidal thoughts and want to be able to talk about it. It also creates shame for the bereaved who are struggling."

— Rev. Dr. Barbara Wilkins-Crowder, Westminster United Methodist

1. How might sending this message create a "lifeline"?
2. How might this message contribute to feelings of shame?
3. How can the lines of communication be opened to people experiencing a suicidal crisis?

Part II: Intervention

Community

If you are concerned about someone in your community who may be considering suicide, be aware of the warning signs, ask them if they are contemplating suicide (in clear language), and be ready to listen.

■ Awareness of Risk and Protective Factors and Warning Signs

Educating your community about warning signs and risk factors can help a wide number of people identify those who are in trouble. A number of warning signs and risk factors have been identified that may contribute to a suicidal crisis.

■ Risk Factors

Risk factors are those qualities that may put people at greater risk for suicide. Usually, there is not just one thing, but the factors are additive; that is, the more of them there are, the more the person is at-risk. Some risk factors for suicide include:

- Previous suicide attempt – past behavior is the best predictor of future behavior
- Depression, Bipolar Disorder, or other mental illness- especially when there is a heightened sense of hopelessness or agitation
- Access to and familiarity with lethal means
- Caucasian males (rates of suicide completion increase with age)
- Significant loss (divorce, death, loss of health, separation, break-ups, loss of respect)
- Pressure to succeed and a single source identity that is being threatened (e.g., job loss, financial trouble)
- Family problems – especially within the primary partnership (divorce, separation, death)
- Poor self esteem
- Family history of suicidal behavior
- Someone close to individual has completed suicide
- Substance abuse or dependence
- Chronic debilitating illness or severe pain
- Exposure to others' suicides – via media or people close to them
- Religious or cultural beliefs that are permissive about suicide (e.g., that it is a noble act under some circumstances)
- Religious intolerance and family rejections for those with nonconforming gender identities and sexual orientation

■ Protective Factors²⁰

- Access to effective clinical care
- Means restriction
- Strong social support
- Conflict resolution and problem solving skills
- Cultural or religious beliefs that discourage suicide and support self preservation

²⁰ Adapted from SPIC <http://www.spic.org/brunswick.pdf>



■ Mental Health Programming Suggestions

Faith communities can offer specific programs to further encourage social connectedness and positive mental health in times of struggle. These programs can help make the connection between spiritual wellness and emotional wellness.

■ Peer Support: Teens Taking Care of Friends

According to the Centers for Disease Control and Prevention, suicide is the second leading cause of death for individuals ages 25-34 and it is the third leading cause of death for individuals ages 10-24.⁷ Thus, it is clear that suicide is a significant concern for teens, college age individuals and young adults. Over the last decade the field of suicide prevention has shifted to acknowledge that experts are not the only ones who can prevent suicide; very often the trained adults are the last to know when a person is in trouble. We must train our young people to know the signs and know what to do if they are worried. Due to the alarming rates of teen suicide, faith communities can play a role in educating peers and those who work with youth to watch out for the warning signs and risk factors that contribute to the possibility of suicide. One programmatic suggestion for faith communities is to implement training for teens, peers and leaders to better understand warning signs of suicidal consideration (See page 21 for information on Suicide Prevention Gatekeeper Training). Teens can help one another make positive decisions and convey to a peer in crisis they are not alone and that the community is there to help them.

Did You Know?⁸

- People who regularly attend church, synagogue, or other religious services are less likely to suffer from depression and other psychiatric illnesses than those who don't.
- Mental illness encourages people to search for meaning and significance.
- Religiously committed people tend to report greater subjective well-being and life satisfaction.
- As a group, religious people tend to live longer and to respond better once they have been diagnosed with an illness.

"The gift our church brings to the issue of suicide is the idea of community. We help people to develop deeply meaningful relationships where we journey through life together, where we lean on each other. All of us face those dark moments, those dark times when we are questioning, doubting and fearing. We need one another to hold us up and remind us that the tomb is empty, that every storm we face, God will set us through. God will make us stronger on the other side and even use us then in the lives of other people."

■ Depression Screenings

One way your faith community can send a message of hopefulness and well-being is to conduct community-wide depression screenings. For instance, if you already have programs promoting health and wellness, you can integrate mental health education and screening into these efforts. Depression and diagnosable mental illnesses such as bi-polar disorder, anxiety disorders and schizophrenia are all considered disorders that put people at greater risk for suicide. The mental health disorder that is most commonly associated with suicide is Major Depressive Disorder. Approximately 2/3 of people who complete suicide are depressed at the time of the suicide.¹⁰ A resource for conducting depression and mental health screening is included in Appendix G.¹¹

■ Educational Programs and Discussion Groups

Another useful community program that can help educate a faith community is to encourage discussion about mental health and suicide by offering programs that engage the community in dialogue around these issues. One such recommended program is Fierce Goodbye (www.fiercegoodbye.com) from Mennonite Media. This DVD and book combination follows the stories of families and survivors of suicide. Included in the Fierce Goodbye program are responses from faith leaders and mental health professionals to help understand the grieving process from the standpoint of a survivor. Faith communities can use this tool to assist in starting a dialogue within their communities about the reality of suicide. In addition, the American Association of Suicidology (www.suicidology.org) provides lists of recommended videos regarding suicide including their appropriateness for different age groups.¹²

One way we can prepare our communities is to discuss the religious texts appropriate to your community. For example, the Bible discusses a number of individuals who struggled with a wish to die. For Christian communities, a Bible study could be developed to discuss those who struggled with mental health issues or apathy with life.

■ "Suicide & Spirituality: A Community of Faith in Dialogue" posters

A series of three posters was created as a social marketing campaign to encourage dialogue between faith communities and those invested in preventing suicide. They were created in collaboration with Regis University, The Carson J. Spencer Foundation, The BACCHUS Network and a number of research focus groups that provided helpful feedback.



To download copies of the posters and other materials, go to: www.PeoplePreventSuicide.org

Fierce Goodbye DVD and Book



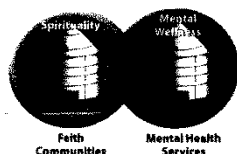
7 Retrieved from: <http://www.webmd.com/news/20050526/faiths-church-may-improve-mental-health> (May 18, 2008)
8 Handbook of Psychotherapy and Religious Diversity. Richard A. Bergin
9 <http://webapp.cdc.gov/suicethoughts/index.html>

10 <http://www.suicidology.org/Arts/Questions-and-answers/shrouts>
11 Screening for Mental Health (1 & 2) Issue Page Retrieved March 24, 2008, from Screening for Mental Health: www.mentalhealthscreening.org
12 <http://www.suicidology.org/Web/guestEducation-and-training>

Part I: Prevention

Suicide is not just a mental health problem, it is a public health problem, and as such a coordinated prevention effort is required. Many systems are often needed to collaborate in order for deep and sustainable change to be realized, and faith communities are a critical piece of the prevention puzzle. Too often faith communities and mental health providers operate independently of one another, as if they were relegated to their own silos of expertise. Individuals who seek out spiritual pursuits as a part of their coping and mental wellness would likely benefit from a collaborative approach between faith communities and mental health services.

Collaborative Approach Between Faith Communities and Mental Health



Community

■ Belongingness

The opportunities for individuals to feel connected to something larger than themselves are shrinking in the United States. Author of "Bowling Alone," Robert Putnam⁵ suggests that the deep connections that individuals have to one another has been shrinking in the last few decades in the U.S. Sociologists who have conducted long-term research on the number of confidants people have, discovered that in the 1990s the average number of confidants people in the U.S. had (people with whom they could share anything with) was three. In the current decade, this number has shrunk to one.⁶ Through shared sacred space, rituals, retreats, fellowship, and milestones, faith communities provide a connection to one another—a belongingness—that creates a buffer against suicide. Faith communities can assist in strengthening social bonds between individuals. Characteristics of love, compassion, tolerance, and a sense of belonging all contribute to the protective nature of community within a faith or religious context. Individuals within a faith community are a part of something larger than themselves, which promotes a feeling of purpose. Through the acts of community service, charitable giving, volunteer work, and promoting social justice, faith communities bolster a sense of meaning that can supersede internal pain.



40 different faith communities represented the 3,000 people taking part in The Second Wind Fund run to raise money for the prevention of teen suicide

"Faith communities' support has meant everything to our efforts at Second Wind. When faith communities engage in discussions and offer support for difficult topics, such as around suicide, their moral leadership signals that it is OK for others to feel comfortable addressing it as well. On a community level, this helps us move the discussion along about suicide on a broader level, and having so many faith community representatives at our walk/run/ride makes a collective statement to the community that words alone cannot. However, the greatest impact may be on a personal level—someone struggling with suicidal thoughts is likely to seek help if they understand that their faith community sees their struggle as part of the human condition, and that compassion is emanating from their spiritual home as they work through those despairing times.

5. Putnam, R. (2000). *Bowling Alone: The Collapse and Revival of American Community*. New York City: Simon & Schuster.
6. McPherson, M., Smith-Lovin, L. & Borgatti, M. (2006). Social isolation in America: Changes in core discussion networks over two decades. *American Review*, 71.

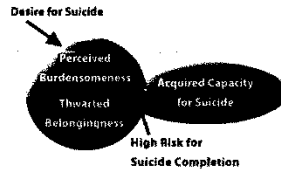
Why Does Suicide Occur?

The question of why people die by suicide does not have an easy answer; however most people do not desire death, they just want to escape their mental anguish. Edwin Shneidman, a pioneer in the field of suicidology, coined the term "psychache" to describe the depths of the despair suicidal people feel. The dilemma of a suicidal person to live through the emotional torment or die to end the suffering has been likened to the dilemma of the victims of the World Trade Center tragedy of 9/11. Many of those up on the highest floors chose to jump to their deaths rather than be burned alive by the flames; they did not want to die, they just saw no other way out of an impossible situation. May we all have compassion to appreciate the flames that are leaping at the backs of those in psychological turmoil.

When someone is in a crisis, they often mask their internal experiences so their motivations may not be clear to loved ones and friends. One model that explains why people take their own life, proposed by Thomas Joiner,³ author of *Why People Die By Suicide*, suggests that those who die by suicide often have both a desire for suicide and an acquired capacity (see diagram right). That is, they have increased isolation and have lost purpose and they have learned, by means of a series of desensitizing experiences, to overcome the instinct for self-preservation. Joiner labels the two components that lead to a desire for suicide as "thwarted belongingness" (losing connection with others) and "perceived burdensomeness" (the thought that my death is worth more to the people who love me than my life is).

According to Dr. Joiner, neither of these situations are enough to provoke a suicidal crisis without acquiring the capacity to die (fearlessness). Combined with fearlessness, both the experience of perceived burdensomeness and thwarted belongingness make for a high-risk situation. One of the ways that people experience distress in belongingness and purpose is when they go through a spiritual crisis. One evangelical faith leader we worked with stated, "Suicidal people often are having a spiritual struggle to connect with God. We need to have an accurate view of ourselves and see ourselves as God sees us."

Adapted from Joiner Model (2005) P. 138
Why People Die By Suicide



Scripture tells us when one [of us] hurts, we all hurt.

Burdensomeness and belongingness need only be perceived or experienced by the person in crisis as troublesome. This is not to say that someone else in a similar situation might not perceive the circumstances differently but rather, the lenses we each bring to a situation can alter our experience of it and we would benefit from appreciating the vast number of ways people can respond to the same stimulus.

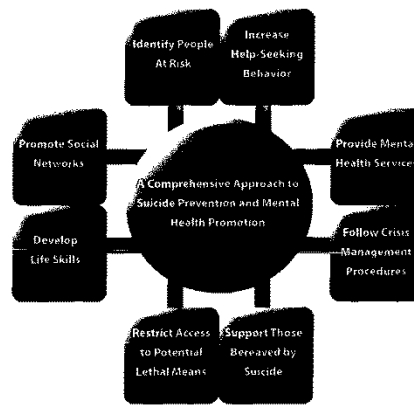
The rest of this guidebook will explore specific ways that faith communities can bolster suicide protective factors while reducing risk factors and ultimately helping people live their best lives.

Quick Tip:

Awareness is a necessary but insufficient component for creating change in a community. In order for people to move past the barriers implicit in the work of suicide prevention, we must support a knowing, being, doing model of deep learning and sustainable change.

A Comprehensive Approach to Suicide Prevention

Adapted from the U.S. Air Force Suicide Prevention Program, Jed Foundation, and the Suicide Prevention Resource Center



3. Shneidman, E. (1995). *Suicide as Psychache: A Clinical Approach to Self-Destructive Behavior*. Lanham, MD: Rowman & Littlefield Publishers, Inc.
4. Joiner, T. (2005). *Why People Die By Suicide*. Massachusetts: Harvard University Press.

Introduction

About 35,000 people die by suicide each year – an average of 1 person every 15 minutes. Approximately 800,000 people attempt suicide a year, which translates to a rate of one attempt every 39 seconds. For every completed suicide, at least 6 survivors of suicide loss (loved ones, friends and family members) are affected.¹ The number of people who attempt suicide, die by suicide and are affected by suicide is staggering, however, suicide can be one of the most preventable tragedies. Knowing that in many communities mental health services are overwhelmed or even nonexistent, we believe that faith communities could be brought more closely into the safety net to bolster the circle of care around people in a suicidal crisis.

For a number of reasons, faith communities promote protective factors for people who may be experiencing a suicidal crisis. Faith communities are a source of hopefulness for many people, a place to experience sadness and joy, and a place to find and offer forgiveness. The major religions of the world share a common belief: life is to be valued and regarded with respect and dignity.

Knowing this, a group of passionate citizens representing many faith traditions started having dialogue about how suicide and spirituality intersect. We knew that this issue of suicide could be one that could bring faith communities together who might otherwise disagree about other matters. We felt that by broadening the circle of who was involved we could break down the silos between those who promote spiritual well being and those who promote emotional wellness. Thus, we set out on a journey to learn more – we facilitated faith forums, focus groups about spirituality, and interviews with spiritual leaders. We poured over research, publications on the issue, and religious texts. We asked the questions: How can faith communities be involved in suicide prevention and what are the resources needed to promote the best suicide prevention, intervention and postvention (response to the aftermath of suicides) practices in our faith communities?

"Faith leaders play a special role in helping their communities sustain a passion for life."

"The people we work with are more than their souls, they are a mind and a body. A weakness in one affects the others."

Suicide Prevention: Protective Factors Supported by Faith Communities?



1. McIntyre, J. L. (2006). U.S. Suicide, 2005 official final data. Retrieved March 24, 2008, from American Association of Suicidology: <http://www.aas.org/assets/docs/2005Suicide.pdf>
2. Suicide Prevention Resource Center. (2004). Risk and Protective Factors for Suicide. Retrieved March 23, 2008, from Suicide Prevention Resource Center: <http://www.sprc.org/library/facts.pdf>

Purpose

The purpose of this guidebook is to prepare leaders of faith communities to prevent, intervene and respond to the tragedy of suicide. The concept for this guidebook grew out of an increasing understanding that suicide affects a significant number of people in all walks of life and that people often turn to their faith communities in times of crisis. Knowing how to respond in the moment of a suicidal crisis can be an anxiety-provoking experience. We hope to provide a guide to help alleviate this anxiety by providing knowledge, preparation and support within the context of a community.

Goals

1. To prevent suicides from occurring within the membership of faith communities.
2. To help prepare religious leaders, pastoral care providers, staff and administrative personnel to respond to suicidal crises when they arise within the community.
3. To assist religious leaders in promoting healing after a suicide occurs within the community.

Overview

Throughout this guidebook, three main patterns will repeat. Each main section: Prevention, Intervention and Response, are further divided into sections of: **Community, Tenets of Faith** and **Pastoral Care**. These three themes emerged during multiple suicide prevention focus groups and interviews held at Regis University in Denver, Colorado. Many faith groups, regardless of their particular tradition, are uniquely positioned in their communities to bring these strengths to bear upon the resolution of crises and the promotion of healing. Because of this capacity of many faith groups, we felt that an interfaith perspective would help underscore one of our main messages: suicide impacts everyone and we share the responsibility to prevent it.

"Personally, I was recently reminded of how helpful it can be to ask others for help in the midst of a crisis. A pastor friend of mine called late one night, he was in the middle of helping a high school student who was experiencing a suicidal crisis. There were a lot of anxiety-provoking things on my friend's mind that night. How do I help? What do I say? How can I let this young man know that he is loved and cared for by his family? How can I help get him hooked up with professional help, especially if he is resistant to help? As we talked into the night, I realized that suicide is not discussed enough in my own faith community. It also made me realize the importance of the intersection between mental health and faith communities. For me, this conversation was a motivator to put this guidebook together. Let's start conversations in our faith communities."

Download this poster:
PeoplePreventSuicide.org



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This book is dedicated to:

Jefferson Unitarian Church and Minister Peter Morales
for their support of me in my bereavement and in my
advocacy.

- Sally Spencer-Thomas

The Role of Faith Communities in Suicide Prevention: A Guidebook for Faith Leaders

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Disclaimer:

This document is a tool to aid your institution in developing and revising protocols and discussions appropriate to the unique environment of your faith community.

Some of the information contained in this guidebook is prescriptive—based on promising practices supported by research. Other information contained herein is continually being developed and understood. We hope that you are able to engage in dialogue with your community as to how to best respond within the context of your respective faith community. Where indicated, please seek out your institution's legal counsel, risk manager, insurance broker or mental health and medical professionals in the community.

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This publication is designed to present information in regard to the subject matter covered. The authors and publisher are not providing psychological services. If professional counseling is needed, services of a qualified professional should be sought. The authors and Carson J Spencer Foundation have neither liability nor responsibility to any individual with regard to any loss or harm, abuse, or alleged to be caused directly or indirectly, by the material in this book.



The Role of Faith Communities in Suicide

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About the Authors:



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Dr. Doty has a masters degree in forensic psychology and a doctorate in clinical psychology from the Graduate School of Professional Psychology at the University of Denver. His interest in suicide prevention efforts stem from a passion to educate, inform and create dialogue surrounding mental health issues. This guidebook is particularly relevant to Dr. Doty as he has been a life-long member of faith communities and recognizes the gap in information between his clinical studies and the pursuit of mental wellness in the faith communities. Dr. Doty has presented suicide prevention, intervention and postvention/after-care to conferences, professionals, teachers, schools and administrators. He has worked to help those in the school setting to develop training models and crisis response models for suicide and unexpected tragedy. He spent a number of years working for the Denver Police Department responding to crisis situations and assisting victims/survivors. He is currently in private practice at Christian Family Institute (www.cfiutusa.com) in Tulsa, Oklahoma and provides therapy, assessment, and forensic evaluations to individuals, families, and couples. He also teaches college courses at a local university and balances time with his family hiking, camping, traveling, and staying active. He can be reached at www.drtimdoty.com or timothy.doty@gmail.com.



Dr. Sally Spencer-Thomas, Psy.D., M.N.M.

As a clinical psychologist, mental health advocate, faculty member, and survivor of her brother's suicide, Dr. Sally Spencer-Thomas sees the issues of mental health promotion and suicide prevention from a number of perspectives. Currently, she is the Executive Director for the Carson J Spencer Foundation, the Executive Secretary for the National Action Alliance for Suicide Prevention, and a professional speaker for CAMPUSPEAK. After working as a therapist in a college counseling center and in private practice for over a decade, she found a calling in the work of preventing suicide. As a Master QPR Suicide Prevention Gatekeeper Trainer, she trains trainers across the Rocky Mountain region. She is an author of four books on mental health and has presented nationally and internationally on the topics of mental health promotion and suicide prevention including speaking engagements for the FBI Academy, the National Association of Student Personnel Administrators, the American College Personnel Association, the International Association of Campus Law Enforcement Administrators, the American Association of Suicidology, and the International Association of Suicide Prevention. She currently serves as on the board for the Suicide Prevention Coalition of Colorado and as the Survivor Division Chair for the American Association of Suicidology. While at Regis University, she was the Project Director for the Garrett Lee Smith Suicide Prevention Grant and developed a comprehensive suicide prevention program for campuses called "People Prevent Suicide." As an affiliate faculty member for Regis' Division of Business, she taught leadership students about wellness, social change, and leading with differences in mind. Currently, she oversees the efforts of the Carson J Spencer Foundation whose mission it is to sustain a passion for life through suicide prevention, social enterprise and support for those bereaved by suicide. As the Executive Secretary of the National Action Alliance for Suicide Prevention, she coordinates a public-private partnership designed to implement the Surgeon General's National Strategy for Suicide Prevention. Dr. Spencer-Thomas is the mother of three boys and she lives with her partner and children in Conifer, Colorado.

Acknowledgements:

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- Drew Anneberg

The Role of
FAITH COMMUNITIES
in Suicide Prevention

A GUIDEBOOK FOR FAITH LEADERS

Timothy Doty, Psy. D.
Sally Spencer-Thomas, Psy. D., MNM



■ **Carson J. Spencer**
FOUNDATION

Carson J. Spencer Foundation
528 South Commons Drive
Golden, CO 80401
www.CarsonJSpencer.org

SPIRITUALITY & SUICIDE: A COMMUNITY OF FAITH IN DIALOGUE

The Role of
FAITH COMMUNITIES
in Suicide Prevention

A GUIDEBOOK FOR FAITH LEADERS

Timothy Doty, Psy. D.

Sally Spencer-Thomas, Psy. D., MNM



APPENDIX H
TSFP EVALUATION FORM



**Transgender Spiritual
Formation Project**

Transgender Fellowship Meeting

PRIOR MEETING EVALUATION FORM

1. Circle your level of participation at the last meeting –

(1) Very engaged (2) Somewhat Engaged (3) Reserved (4) Not Engaged

2. Circle any obstacles that you encountered which prevented you from fully participating –

(1) Location (2) Temperature (3) Discussion Topic (4) Refreshments

(5) Meeting Format –Start Time/End Time

(6) Other, please explain _____

3. What do you believe was achieved –

(1) Fellowship (2) Planning Future Events (3) Safe Space

(4) Other, please explain _____

4. What did you like about the meeting, if anything –

5. What was missing, if anything –

6. What would you like to see included -

TODAY'S DATE :

APPENDIX I
STRATEGIC OUTREACH

Strategic Outreach

According to "Strategic Church Planning" by Roy Lee Saint, Associate Director Leadership and Life Development Department, Florida Baptist Convention, **strategic planning is simply a process of thinking and acting. It involves thinking through and then doing the church's ministry. It is a process, not something you do one time and then abandon. That means that it has to be constant in the life of the church and the ministry leaders.**

Strategic planning for the local church is an ongoing process, not just a one-time event.

OUTREACH ASSESSMENT

1. My favorite part of outreach is -

2. My most favorable experience regarding outreach involved -

3. My most unfavorable experience regarding outreach involved -

4. During an outreach activity, I am most comfortable doing....

5. Outreach is important because

APPENDIX J
BROOKLYN PRIDE

In partnership with Brooklyn Pride join Queer in Faith at
Brooklyn Interfaith For All

Queer In Faith



Celebrating Pride 365
Monday June 3rd at 7 PM
First Unitarian Church
50 Monroe Street , Brooklyn
between Clark & Pierrepont Streets.

Participants will include:

Karim Beldjilali,
One Spirit Interfaith Seminary

Reverend Jude Geiger,
First Unitarian Church, Brooklyn

Jim Harvey,
Lay Member to the Annual Conference,
Park Slope United Methodist Church

Reverend Diane Jeep Ries,
God Garage

Reverend Lynn Sexton,
Unity Fellowship of Christ Church, Brooklyn



BROOKLYN
COMMUNITY  **PRIDE CENTER**

4 MetroTech Center, Ground Floor, Brooklyn NY 11201
(Corner of Willoughby St. and Gold St. - entrance on Willoughby St.)
347 889 7719 • lgbtbrooklyn.org

APPENDIX K
PHILADELPHIA TRANS HEALTH CONFERENCE

Spiritual Opportunities

Spiritual Opportunities at PTHC 2013

The Spirituality Working Group embraces the power of spiritual practice, reflection, and community as tools that can support personal health and wholeness. Our programming includes a wide range of spiritual perspectives, reflecting a diverse range of spiritual and religious paths. You are invited to **explore and reconnect** through any or all of our spiritual opportunities.

- Christian
- Eastern
- Interfaith and Open Spirituality
- Jewish
- Muslim
- Native, Indigenous and First Nations
- Other Spiritual Traditions

In addition, the conference will offer **12-step meetings** for those attendees that wish to access these resources.

Christian

Thurs 10:20-11:40am :: 102A

The IDentity Kit- Reconciling Faith, Gender Identity and Orientation

Friday 11:50-12:35pm :: 105B

Transgender-Led Catholic Mass

Eastern

Thurs 10:20-11:40am :: 103A

T'ai Chi Chih

Sat 8:45-10:05am :: 111A

"Kindness is my religion"- Dali Lama

Thur, Fri, Sat 11:50am-12:35pm :: 104B

Meditation

Thur, Fri, Sat 11:50am-12:35pm :: 107B

Yoga

Interfaith and Open Spirituality

Thurs 4:05-5:25pm :: 103C

Sacred Conversations

Fri 8:45-10:05am :: 103B

Beyond Inclusion- Creating Trans Celebratory Faith Communities

Fri 2:20-3:40pm :: 103B

"Do What the Spirit Says Do"- How Faith Informs Social Justice for Trans Communities

Sat 11:50am-12:35pm :: 105B

Free to Be- Honoring the Spirit in Each of Us

Sat 12:45-2:05pm :: 103B

Queer/Trans and Spiritual: Creating an Authentic Path

Sat 2:20-3:40pm :: 104A

Let's Talk about Faith Baby!

Jewish

Thurs 12:45-2:05pm :: 103B

Finding Trans* Experiences in Jewish Liturgy

Thurs 5:40-7:00pm :: 102B

Gender Diversity & Jewish Tradition

Fri 10:20-11:40am :: 110A

Jewish Rituals to Celebrate Trans* Lives

Fri 11:50-12:35pm :: Kingdom of Vegetarians- 129 N. 11th St.

NYC area Trans Jews Meet & Greet Lunch

Friday 5:45-8:00pm :: Arch St. United Methodist Church- 55 S. Broad St. (2 blocks from convention center)

Shabbat Dinner and Shabbat Service- Pre-pay for dinner by clicking on the link

Muslim

Sat 5:40-7:00pm :: 103C

Radical Acts of Love- Queer and Trans Muslims Reclaiming Islam

Thurs, Sat 2:05-2:20pm :: 105A

Noon/Dhor Muslim Prayer

Thurs, Fri, Sat 5:25-5:40pm :: 105A

Afternoon/Asr Muslim Prayer

Fri 11:50-12:35am :: 105A

Friday Muslim Prayer

Reference for prayer times during the conference

Day	Date	Dawn (Fajr)	Morning (Shorooq)	Noon (Dhohr)	Afternoon (Asr)	Evening (Maghreb)	Night (Isha)
R	13	3:29	5:31	1:01	4:59	8:30	10:33
F	14	3:29	5:31	1:01	5:00	8:31	10:34
Sa	15	3:29	5:31	1:01	5:00	8:31	10:34

Native, Indigenous, First Nations

Thurs & Sat 11:50am-12:35pm :: on Arch St (weather permitting)

Native Smudge & Drum Circle

Fri 5:40-7:00pm :: 110A

Drum Yourself Whole

Other Spiritual Traditions

Fri 4:05-5:25pm :: 106A

Unitarian Universalism- Looking to be Welcomed?

Fri 7:00-8:30pm :: 105B

It's Elemental- Centering with Earth, Air, Fire and Water

Sat 8:45-10:05am :: 106B

Between the Worlds- trans* and queer magic

Sat 4:05-5:25pm :: 111A

Transgressing Gender in Polytheism and Contemporary Paganisms

Questions, comments, or concerns? E-mail info@trans-health.org for more information.

-
-
-
-

-

Thursday 13th June

Below are all the confirmed workshops that will be offered at PTHC. You can find workshops by topic or audience. Register online to save sessions to My Conference.

Native Community Gathering Space	Janis Stacy	Convention Center Hallway between rm 111A and 112A/B	
Opening Keynote Speaker: Geleni Fontaine		103C	
The IDentity Kit: Reconciling Faith, Gender Identity and Orientation	Crystal Cheatham	102A	Open
Transitioning Times Two: Exploring the Journeys, Challenges, and Hopes of Trans* Refugees	Daniel Weyl; Juliane Ramic; Keren Zwick	102B	
T'ai Chi Chih: Joy thru Movement	Siobhan Hutchinson	103A	Open
Trans Employment Law 101 - How To Protect Yourself From Discrimination	Dr. Jillian T. Weiss; Sara Schnorr, Esq.	103B	Open
Families of Trans* Kids: Meeting Their Evolving Needs	Jenn Burleton; Griffin Lacy	103C	Open
Beyond the Binary 101	J Wester	104A	Open
Never a Dull Moment: Living the Life of a Transgender Parent	Elijah Nealy; Kim Watson; Mr. Cris ; Sebastián Colón-	104B	Open

	Otero		
The Man I Want to Be: A discussion about trans-masculinity	AJ Young	105B	Open
Being A Mental Health Provider and Needing To Transition?	Rev. Moonhawk River Stone, M.S., LMHC	106A	
Tales from a Leather Bat in Africa	James Michael Allen aka "The Leather Bat"	106B	Attendance Restricted
Dating and Disclosure Online: Trans Women and Online Dating	Alice Doyle	107B	Attendance Restricted
✓ Creating Safe and Inclusive Services for LGBT Older Adults	Ed Miller	109A	Open
Lights, Camera & Action: learning gender dysphoric children's issues through films.	Gurvinder Kalra	110A	Open
Through the Looking Glass-An interactive activity and discussion for friends/partners/allies for better understanding of gender dysphoria	Tristan Byrnes	110B	Open
How to Become a Non-Smoker	Andy Matzner	111A	Open
Yoga -- (the only class you'll Never need) -- a Pattern Language Introduction	Frances Rose Subbiondo	102A	Open
Meditation	TBA	104B	
Family of Trans Kids Brown Bag Lunch		106A	Attendance Restricted
✓ Yoga	Anna-Sara Fire	107B	
12-Step Meeting	TBD	110A	



LUNCH	N/A	Arch St. United Methodist Church - 55 N. Broad St.- Basement	
Native Smudge and Drum Circle	Chief Bob Mexhalaniyat (Red Hawk) Ruth; Janis Stacy; Lynn Young	On Arch St (weather permitting)	Open



Transitioning to College/Transitioning in College	AJ Young; Ryan Durgin; Kevin Williams	102A	Open
TBOY/TGIRL Adventures in Dating: A Discussion for Trans People of Color	Leo T. Watts	102B	Attendance Restricted
Finding the joy while navigating through your transition	Lori Ahern	103A	
Finding Trans* Experience in Jewish Liturgy	Becky Silverstein	103B	Open
Gender 101 - New Frontiers	Karen M. Scarpella, PhD, LCSW	103C	Open
✓ When we run out of options	Liesl Theron (background & facilitation); Kristian Randelović; Lex Kirsten	104A	
✓ Creating Safe Spaces: Helping Professionals Develop Their Trans* Competence	John Edwards; Julia Gottlieb; Liza Linder	104B	Open
✓ Intersections: Intersex, Transgender and Gender Community Health	Rabbi Levi Alter; Julius Kaggwa; Mauro Cabral; Alexander Yoo, MFT	105B	Open
Creating Shared Community through Storytelling	Ceyenne Doroshow; Nicolette Dixon	106A	Open

SIDRAN

Nat'l Center for Trans Equality.

Taking Care of Business: A group discussion for FTM sex workers	Cyd Nova	106B	Attendance Restricted
Passing and Failing: Social and Emotional Outcomes of "Passing" Pressure	Alice Doyle	107B	Attendance Restricted
Violence and Trauma in the Lives of Transgender Older Adults	michael munson; Loree Cook-Daniels	109A	Open
You call that Social Justice? Bringing an Intersectional approach toTrans youth work	shay(den) n. gonzalez	110A	Attendance Restricted
Two-Spirit Then and Now: An Introduction to the Two-Spirit Community	Harlan Pruden; Sheldon Raymore	110B	Open
Caring for gender non-conforming children and trans youth: an exploration of the parents' experience and challenges.	Annie Pullen Sansfaçon; Akiko Asano	111A	Open
Cafecto	GALAEI	GALAEI- 1207 Chestnut St. 5th Floor	
TransWaves podcast recording		Outside of room 108A/B	
Noon/Dhohr Muslim Prayer		105A	



✓ Transgender Injustice: Police Encounters and Incarceration, A Know Your Rights Workshop	Alisha Williams; Chase Strangio	102A	
Asexuality 101 (Have some cake)	Micah	102B	Open
Partners of Trans Women	Tom Léger	103B	Open
Trans Representation in Porn	James Darling	103C	Attendance Restricted
Toddlers to Teens (part 1): Clinical Work With Transgender Children Developing and Enriching Clinical Expertise	Rev. Moonhawk River Stone, M.S., LMHC; Johanna Olson, MD	104A	
Equal access/equal rights: Empowering transgender communities across India through advocacy, mobilization, and capacity building under the Pehchān program	Abhina Aher ; Simran Shaikh	104B	Open
Ethical Considerations for Medical and Mental Health Professionals Working With Trans* US Military Servicemembers after the Repeal of Don't Ask, Don't Tell	Jacob Eleazer	105B	Open
Is your child 3-10 years of age? Let's Talk!	Kate Levy	106A	Attendance Restricted
Gettin' Our Voices Heard-- Trans* Health Research	e.shor; Roxanne Anderson	106B	Open
Circles of Perception: Negotiating Intersections of Race and Gender	Jaymie Campbell; Kira Manser, MSW MEd; Louie Ortiz, MA	107B	Open
Deafhood, Transhood: Cultural Identity and Activism	Avory Faucette	110A	Open
Providing (more) Culturally Appropriate Services to the Two-Spirit Community Members	Harlan Pruden; Sheldon Raymore	110B	
Networking for Safe-T	Leonidas S. Córdova	111A	Open

Got Scars? Chest Scars? Abdominal Scars?	Rowan TwoSisters	102A	Open
Reading & Writing the Trans Young Adult Experience	Rachel Gold	102B	Open
Transitioning in an African American Family	Marcelle Million; Vanessa Warri	103A	Open
T4T: Seeking, Dating & Loving other people of Experience	Mister Cris	103B	Attendance Restricted
Sacred Conversations	Rev. Rik Fire; Anna-Sara Fire	103C	
Toddlers to Teens (part 2): Clinical Work With Transgender Adolescents, Developing and Enriching Clinical Expertise	Rev. Moonhawk River Stone, M.S., LMHC; Johanna Olson, MD	104A	
The Asian/Pacific Islander Trans-Community-Lets Have A Voice! What Do We Need? What Do We Want?	Kate Levy	104B	Attendance Restricted
✓ Saving Ourselves: Transgender Suicide Prevention and Intervention	Tharyn Grant, LCSW; Mick D. Rehrig, LICSW; Gunner Scott	105B	Open
The Multiple _____ of Trans* (Identity)	Jesse Benet, MA; Axil Cricchio, MA	106A	Open
Growing Old Together: A Workshop for the Partners of Aging Trans People	Hilary Meyer; Loree Cook-Daniels	106B	
Non-Binary Narrative As Self Care	Avory Faucette	107B	Attendance Restricted
Reforming Access to Transitional Healthcare: A discussion on DSM and ICD reform.	Mauro Cabral	109A	Open
Embodying Power in Complicated Bodies	Nick Krieger; Jacoby Ballard	109B	

The Gender Inclusive School	Joel Baum	110A	
"We get lazy and slack behaviour from the nurses"	Liesl Theron	110B	
MY BODY IS MY OWN!!!	Ovid Amorson	111A	
Eat Richly & Heal the Planet (& Yourself) – Basic Home Nutrition on the Cheap	Frances Rose Subbiondo	111B	
Afternoon/Asr Muslim Prayer		105A	
utilizing midwives and doulas to build health care access for trans and gnc communities	Miriam Zoila Pérez; Pati Garcia; Kimberly Murray; Ryan Pryor; Abigail Fletcher	102A	
Gender Diversity & Jewish Tradition	Joanna Ware; Emily Aviva Kapor; Becky Silverstein	102B	Open
Taking Care of Yourself: Self-Advocacy in Social, Medical, and Mental Health Services	Heath Mackenzie Reynolds; Amelia Ruggieri	103A	Open
Trans Asylum Seekers: Who Are They and How Can We Help?	Max Niedzwiecki, Ph.D.	103B	Open
TWAT/fest Presents: Trans Women Artists Creating Media	Morgan M Page/Odofemi	103C	Open
Parenting First/Transitioning After Starting A Family	Tammyrae; Julie	104A	Attendance Restricted
Dads of Gender Variant Youth Workshop	Dr. Wayne M. Maines; Petri Flint	104B	Attendance Restricted
The Evolution of Love:	Alison Gerig; Jennifer C.	105B	Open

Navigating Conflict, Building Intimacy	Jones		
Moving Past Dysphoria: Advanced Therapeutic Skills to a Holistic Approach	Katharine Campbell; Brad Zucker	106A	Open
Transition and Sobriety	Tammy Leary	106B	
ID Documents – How to Change Your Own and Advocate for Better Policies	Lisa Mottet; Benjamin Jemer; Harper Jean Tobin	107B	Open
Many Shades of Femme: A Femme of Color Caucus	i n d e e ; shay(den) n. gonzalez	109A	Attendance Restricted
What's the T? Dating and relationships for T* Women of Color	Ms. Kim; Nia Henderson	109B	Attendance Restricted
Through a therapist's lens: Transgender client experiences from the Indian subcontinent and how they differ from the West?	Gurvinder Kalra	110A	Open
Vocal Expression and Identity	Julie Lipson	110B	Open
Throwing Our Weight Around: Fat Trans and Genderqueer Folks Speak Out!	Joelle Ruby Ryan; Koomah; Geleni Fontaine ; Kay Ulanday Barrett	111A	Open
Creating a Safer Space to Discuss HIV/STI Risk with Trans People Engaged in Sex Work	Jarad Ringer	111B	Open
"This is the T-Mix" Dance Party	Sponsored by Transhealth Information Project of GALAEI	Tabu- 200 S. 12th St.	Attendance Restricted

community building with trans and gender non-conforming doulas, midwives, and reproductive justice activists	Miriam Zoila Pérez; Pati Garcia ; Ryan Pryor; Abigail Fletcher	102A	Open
Authors Book Reading and Signing with Giovanni's Room	Sponsored by Giovanni's Room	103A	
Cooking in Heels Book Signing with Ceyenne Doroshow	Red Umbrella Project	Wooden Shoe Books- 704 South St.	
Opening Reception		TBA	

Workshop Programming

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Friday 14th June

Below are all the confirmed workshops that will be offered at PTHC. You can find workshops by topic or audience. Register online to save sessions to My Conference.

Native Community Gathering Space	Janis Stacy	Convention Center Hallway between rm 111A and 112A/B	
Interrogating Whiteness: A conversation about white trans-masculine privilege	AJ Young	102A	Open
Trans-Inclusive Health Insurance 101	Elana Lancaster	102B	Open
Femme Solidarity Discussion	JAC Stringer; Isabelle Barter	103A	
Beyond Inclusion: Creating Trans-Celebratory Faith Communities	Angel Collie; Joanna Ware ; Aaron Miller; Alex Kapitan ; Jake Kopmeier	103B	Open
Between Pink and Blue: Raising Children Across the Gender Spectrum	Jean Malpas	103C	Open
"Good News" for gender role transition: Reduce or eliminate losses with this contemporary approach to coming out.	Karen M. Scarpella, PhD, LCSW	104A	Open
Trans Sex Work and the Law	Chuck Cloniger; Naomi Akers; Megan McLemore; Danny Kirchoff	104B	Open
State of the Trans *gender non conforming Movement	Kylar Broadus; Parker Hurley	105B	Open
Patient Centered Care and the Caring Partnership	Ilene Corina	106A	
Presenting Ourselves: DIY Media Representation Within Trans* Communities	LGW; Jamie Pallas	106B	Open



Trans-Inclusive Sex Ed	Miles Harris; Elizabeth Nguyen	107B	
African transgender women: negotiating feminine identities in the intersections on the African culture of circumcision (as a rite of passage to cultural acceptance), its implications in the global fight against HIV in a vulnerable population	Leigh Ann van der Merwe	110A	
Our Stories Need To Be Written - Hear Oh Israel	Kate Levy	110B	Open
Transforming Family - Trans and Gender Queer Parenting 101	Marshall Malone; Keely Malone; Caron Star Felshman; Hannah, Kale & Zephyr	111A	Open



The Pelvic Exam	Lauren Abem, MD; Lisa Jambusaria, MD	102A	Open
HIV and AIDS 101	Eli Goldberg	102B	Open
"You don't have to be Female to be Feminine." A Discussion for Pretty Boys and Femme GenderQueers	JAC Stringer, MSW	103A	Attendance Restricted
Trans Women Aging Well - Strengths, Resiliencies, and Strategies	Matty Leighton; Josephine Yvonne Paulovic ; Dawn Munro	103B	Open
Trans Lives and Activism in East Africa	Nicky Mawanda; Audrey Mbugua; Victor Mukasa; Maurice K; Bebe. H	103C	
✓ Building Strong Teams to Work for Transgender Rights	Lisa Mottet; Causten Wolleman	104A	Open
Baby Boomers & Gen-Xer's: Exploring Aging Issues In	Joe Ippolito; Jayden Sampson	104B	Attendance Restricted

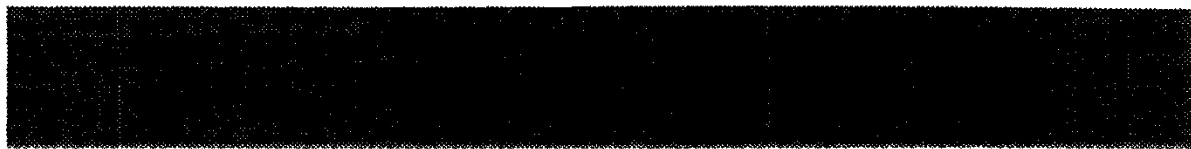
Trans Masculine Communities			
Voice masculinization	Christie Block, SLP	105B	Open
Advocacy Skills: How To Impact Change (Geared towards POC)	Kylar Broadus; Parker Hurley; Samantha Masters	106A	
Demystifying Therapy: Guide to Help Trans* Clients Find the Right Therapist	Jayden Thai; Kinton Rossman; Joe Orovecz; Katy Garrison; Sara Pickett	106B	Open
support Group: Parents of Transgender Youth	Susan Maasch ; Dr. Michelle Forcier; Rebecca Oglesby; Callum Angus; Devon Mulligan	107B	Attendance Restricted
Health Insurance 101: What every trans person should know	Danny Kirchoff; Dru Levasseur	109B	Open
Jewish Rituals to Celebrate Trans* Lives	Joanna Ware; Becky Silverstein; Joy Ladin; Emily Aviva Kapor	110A	Open
Trans' health and rights: a latin-american experience	Marcela Romero	110B	
Trans* Experiences In Sex/Gender-Segregated Spaces: Do We Still Have Access? Should We Still Have Access?	Elliot Ruggles; Zerandrian Morris	111A	Open
Meditation	TBA	104B	
Friday Muslim Prayer		105A	
Transgender-Led Catholic Mass	Parish Community of St Mychal and St Mary of Grace Parish	105B	Open

Family of Trans Kids Brown Bag Lunch		106A	Attendance Restricted
Yoga	Qui Alexander; shay(den) gonzalez	107B	
12-Step Meeting	TBD	110A	
LUNCH	N/A	Arch St. United Methodist Church - 55 N. Broad St.- Basement	
NYC area Trans Jews Meet & Greet Lunch		Kingdom of Vegetarians- 129 N. 11th St.	
KEYNOTE SPEAKER: QWO-LI DRISKILL		103C	
Cafecito	GALAEI	GALAEI- 1207 Chestnut St. 5th Floor	
TransWaves podcast recording		Outside of room 108A/B	
[keep your fortune cookies: brown API boi talk on transgender masculinity]	Kay Ulanday Barrett; Elakshi Kumar; Elliott Fukui	102A	Attendance Restricted
The Glass Closet II	Monica Yorkman;	103A	Open

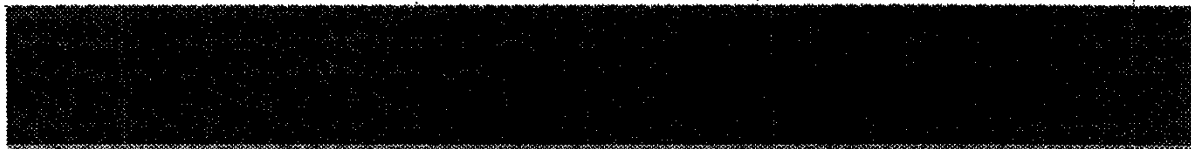
(navigating relationships in an expanding gender world)	Bryanna A.; Jaki Greer; Kayla Jones; Vann Michael		
✓ "Do What the Spirit Says Do": How Faith Informs Social Justice for Trans Communities	Rev. Mykal O. Slack; Alex Kapitan; Rev. Moshay Moses; Richard Juang	103B	
Naturopathic Medicine for Transgender and Transsexual Health	Dr. Masina Wright ND	103C	Open
Gender recognition and transgender activism in Central Europe - an insider's guide	Wiktor Dynarski	104A	Open
Non-Binary Transition: Exploring the Options	Micah	104B	Open
Understanding the Continuum of Care	Randall Ehrbar, PsyD; Rev. Dr. Shawn MacDonald; Nathan Levitt; Kylar Broadus; Sean Coleman	105B	Open
Anxiety Be Gone! Healthy Strategies for Calming Nerves	Andy Matzner	106A	Open
Parenting our Trans Kids	Lori Davison; Tony Ferraiolo	106B	Attendance Restricted
Queer-ability Complicated Bodies Powerful Identities and the Journey of the Self	AndreA Neumann Mascis	107B	Open
Creating Trans-Inclusive College Campuses	Jess McDonald; Anthony Dondero	109A	Open
support Group: Parents of Transgender Youth	Susan Maasch; Dr. Michelle Forcier; Rebecca Oglesby; Callum Angus; Devon Mulligan	110A	Attendance Restricted
MTF Top and Bottom Surgery: Our Techniques for	Dr. Sherman Leis	110B	Open

Obtaining Aesthetically Natural and Functional Results in a One-Stage Procedure.			
Writing for Healing and Laughter	Nick Krieger	111A	Open
Masculine Presenting Survivors of DV and Sexual Assault Support Group	Jackson Shultz; Kristopher Shultz	102B	Attendance Restricted
2013 Youth Panel		109B	
Transnatural: holistic support for trans* bodies and spirit	Dori Midnight; Jacoby Ballard	102A	Open
Multiple Roles: Bridging the Gaps between Trans* Provider and Trans* Community Member	Mick D. Rehrig, LICSW; Tharyn Grant, LCSW	103A	Attendance Restricted
Double your pleasure, Double your fun?	Kegan Refalo; Connor Spear	103B	Open
Trans Pioneers of Color	Leo T. Watts	103C	Open
Intersex 101	Amelie Schreiber	104A	
Non-Binary Transition: A Community Discussion	Micah	104B	Open

Chest Surgery Show and Tell	Joe Ippolito; Jayden Sampson	105B	Attendance Restricted
Unitarian Universalism: Looking to be welcomed?	Alex Kapitan	106A	Open
Latino Machismo and Transsexuality	Qui Alexander	106B	Attendance Restricted
Understanding Trauma	AndreA Neumann Mascis Ph.D.	107B	
Non-Trans Partners of Color	Leo T. Watts	109A	Attendance Restricted
Transitioning in the times of transition: experiences of transgender people and healthcare providers in the changing medical systems in the former Soviet Union.	Anna Kirey; Akram Kubanychbekov; Oksana Pokalchuk; Timur Lysenko	109B	Open
Safe and Supported: School Transitions	Joel Baum, MS	110A	
A Mother, Her Transgender Son, Their Journey to Love and Acceptance	Marsha Aizumi; Aiden Takeo Aizumi	110B	Open
Truth Circles	Lou Bigelow	111A	Open
Using, developing and establishing Trans rights in the State and Federal Court System	Julie Chovanes	111B	
Beware of the Lily Law: Incarceration of Trans* and Gender Non-Conforming	Sponsored by Eastern State Penitentiary	Eastern State Penitentiary-2027 Fairmount Ave.	

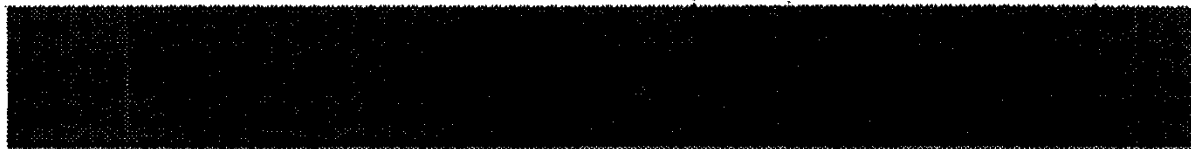


People Past and Present



Afternoon/Asr Muslim Prayer

105A



Let's discuss this? - cisgender partners telling their stories	Liesl Theron	102A	
I'm Going to "House" You	Charlene	102B	Open
The Art of Sex, Gender and Orientation	Jeff Brody	103A	Open
Post Operative Satisfaction of Trans Women	Sharon Brackett	103B	Attendance Restricted
Gender Reel Presents in 2013!	Austin Unbound; A Difference; Sisterhood; Bye Bye Babybox	103C	
Transitioning while Teaching	AJ Young; Yoel Solis; Van Nguyen; Heath Fogg-Davis; Sel J Hwahng	104A	Open
Self Exam For Folks with a Cervix	Pati Garcia; Rafael(a) Luna- Pizano; Kayla De Los Reyes	104B	Attendance Restricted
Healing Our Communities: The Indigenous/First Nation Residential School Experience and Intergenerational Trauma	OmiSade Ali	106A	Open
Launching your transgender or gender variant child	Fiona Smith; Peggy Cryden; Catherine Hyde	106B	
Want to help? Be an ally!	Terri Cook; Crystal	107B	Open

	Collette		
Working For Trans Inclusion Within the System: Crafting Successful Strategies and Addressing Systemic Barriers In the Mental Health, Public Health, and Legal Power Structures	Laura Kuper; Alesdair Ittelson; Laurel Wright	109A	Open
Continuing Dr. Brownstein's Legacy and Expanding the Horizon for Genital Reconstruction	Curtis Crane	109B	
Drum Yourself Whole	Lynn Young; Rev. MAK Kneebone	110A	Open
Transwoman of Color: The Sisterhood	Kylar Broadus; Cecilia Chung; Ruby Corado; Danielle King; Michelle Enfield	110B	Open
Shabbat Observances	Arch St. United Methodist Church - 55 N. Broad St.- Basement		
Parent's Meet and Greet & Kids Pool Party	Hampton Inn William Penn Room	Attendance Restricted	
Trans Literary Salon!	Leeway Foundation- Philadelphia Bldg. 1315 Walnut St. Suite 832		

It's Elemental: Centering with Earth, Air, Fire & Water	Lynn Young; Rik Fire; Anna-Sara Fire; Rev. MAK Kneebone	105B	Open
The United Colors Ball		103C	
Original Plumbing Dance Party		The Bike Stop- 206 S. Quince St.	Attendance Restricted

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Saturday 15th June

Below are all the confirmed workshops that will be offered at PTHC. You can find workshops by topic or audience. Register online to save sessions to My Conference.

or audience. Register online to save sessions to my conference.			
Native Community Gathering Space	Janis Stacy	Convention Center Hallway between rm 111A and 112A/B	
Becoming Us: Couples finding their way together	Lynn E. Walker; Rev. Francesca Bongiorno Fortunato, M.S.	102A	Open
Project T-Talk: Research with Transgender Women – A different approach	Ida Hammer; Savannah Homback, CRCS; Koko Jones; Vanessa V. Nasert; Madison Nicole St. Claire	102B	Open
resist this!wrting from the crosshairs	Jess Mease; Kay Barrett	103A	Attendance Restricted
Psycho-pathologization of trans* identities - an issue of Global concern	Ms Maria Sundin	103B	Open
Testimonies of Genital Surgery by Transsexual Men and Their Partners	Trystan T. Cotten; Zander Keig	103C	Open
Trans Aging Policy - how we can support those who paved the way	Aaron Tax; Harper Jean Tobin; Danny Kirchoff	104A	
Body Shaping for Tmen - Hands On!	Morgan Rich	104B	Open
I Got You, We Got This: Refueling the Movement In TPOC Communities	Qui Alexander; shay(den) gonzalez	105B	Attendance Restricted
Between the Worlds: trans* & queer magic	Dori Midnight	106B	Open

support Group: Parents of Transgender Youth	Susan Maasch; Dr. Michelle Forcier; Rebecca Oglesby; Callum Angus; Devon Mulligan	107B	Attendance Restricted
Difficult Treatment Decisions for Non-Binary-Identified Youth	Lisa Griffin	109A	
Cancer and the trans-community	Mitchel Pyles MSW	109B	Open
Making STEM More Trans Friendly -- Addressing Needs of Trans STEM College/University Students through oSTEM	Dr. Elena 'Ells' Long; Samuel Brinton	110A	Open
Navigating the Social Transition	Kinton Rossman ; Amanda Stahl ; Jayden Thai ; Morgan Sinnard; Yen Nguyen	110B	
"Kindness is my Religion" (Dalai Lama)	Teo Drake	111A	Open
Graduate Student Research Symposium In Transgender Health	Sari L. Reisner, ScD, MA & S. L. Colton Meier, PhD, MA; Zachary DuBois, PhD & Jayme L. Peta, MA; Jama Shelton, LMSW & Sebastian M. Barr; Kinton Rossman & Ruben Hopwood, MDiv	111B	Open
LEGAL CLINIC	Mazzoni Center Legal Services Dept. ; Volunteer Attorneys	106A	
Trans Aging Financial	Jayden H.C. Sampson; Tiffany	106A	

Planning and Legal Huddle	Palmer, Esquire		
Healthcare Self-Advocacy Skillshare	Elana Lancaster; Shawn Tristan Powell	102A	Open
Top 10 Fears of Parents of Trans Kids	Kim Pearson	102B	Attendance Restricted
Sex Workers and Trafficking Survivors: Lessons from Our work with the Transgender Community	Lynly Egyes ; Meghan Maurus, Esq.	103A	
Arm Your Art: Strategizing Creative Community-Based Responses to Violence (for trans* folx of color)	Gender Justice LA Theatre of the Oppressed	103B	Attendance Restricted
Hysterectomy: What You Need to Know	Lauren Abern, MD; Lisa Jambusaria, MD	103C	Open
Writing Trans*	S Bear Bergman; Laura Antoniou; Rachel Zall	104A	Open
Transforming Practice: Life Stories of Transgender Men that Change How Health Providers Work	Marcus Greatheart	104B	Open
One Dad From Maine, One Mom From Minnesota and One Amazing Support Person	Wayne Maines; Leslie Lagerstrom ; Jenn Burleton	105B	Open
No Longer Lost in The Shuffle: Being Disabled and Trans	Rev. Moonhawk River Stone, M.S., LMHC	106B	
Un-tucked: Real Talk about Genital Reconstructive Surgery	Ms. Kim	107B	Attendance Restricted
✓ Pastoral Care: Extending the Continuum of Care	Chris Paige; Rev. Dr. Tammerie Day	109A	Open

Aging and Fitness	Michael Huffington	109B	Open
Transgender Parenting	Sharon Brackett	110A	Open
Self Injection Workshop	Irina Pekareva-Kochergina; Simon Adriane Ellis	110B	Open
DIY: Creative Masturbation Tools for the Transmasculine Individual	Leo T. Watts	111A	Attendance Restricted
A Transformative Concert: KOKUMO Presents 'There Will Come A Day'	KOKUMO	103C	Open
Meditation	TBA	104B	
✓ Free To Be - Honoring the Spirit In Each of Us	Rev. Mykal O. Slack	105B	
Women are keeping transgender families together. How can we reach more men?	Wayne M. Maines	106A	Open
Not Everybody's Doing It: An Asexual Caucus	Joelle Ruby Ryan	106B	Attendance Restricted
Yoga	Qui Alexander; shay(den) gonzalez	107B	
12-Step Meeting	TBD	110A	
LUNCH	N/A	Arch St. United Methodist Church - 55 N. Broad St.- Basement	
Native Smudge & Drum Circle	Chief Bob Mexhalaniyat (Red Hawk) Ruth; Janis Stacy	On Arch St (weather permitting)	

Intersex Bodies, Trans Identities	Koomah; Mo Cortez	102A	Attendance Restricted
Feminizing Hormones 101	Nathan Levitt	102B	
10 Guidelines for Peer-Led Support Group Facilitators	Jeff Brody	103A	
Queer/Trans and Spiritual: Creating an Authentic Path	Teo Drake; Alex Kapitan	103B	Open
Theory and research on the nature and development of gender dysphoria	Jaimie Veale	103C	Open
Integrative Medicine: Natural Health Care through transition and beyond - presented by a licensed Naturopathic Doctor	Jaie Bosse	104A	Open
Our Health: Health and Wellness Strategies of Trans* Folks in the Sex Trade	Nik Krempasky ; Zil Goldstein	104B	Attendance Restricted
Below the Belt Part 1: Metas and Centurions for men of trans experience	Mister Cris	105B	Attendance Restricted
In Relationship and Community: Trans and Cis Dykes Together	Lauren Porsch; Ida Hammer	106B	Attendance Restricted
Our Trans Kids & Our Churches	Kim Pearson	107B	Attendance Restricted
Developing Best Practices for A Student's Gender Transition (K-12)	Rev. Moonhawk River Stone, M.S., LMHC	109A	
f2mFEMME	shay(den) n. gonzalez	109B	Attendance Restricted
Claiming our Native or Aboriginal Heritage.	Janis Stacy; Harlan Pruden; Sheldon Raymore	110A	

Translatina - A Strengths-based Perspective	Cristina Herrera; Luis Ramirez; Akasha T. Barker	110B	Open
Soothing the soul through words, images, and experiential learning	michael munson	111A	Open
API Trans/GNC Voices	Kay Ulanday Barrett ; Emi Koyama; Sabelo Narasimhan; Van Nguyen; Elakshi Kumar	111B	
TransWaves podcast recording		Outside of room 108A/B	
Noon/Dhohr Muslim Prayer		105A	
Masculinizing Hormones 101	Nathan Levitt	102A	
Artistic Expressions of Transgender Youth	Tony Ferraiolo, CPC	102B	
The Missing Link: How to Make Homeless Shelters More Accessible	Aden Meiselbach, LCSW	103A	
Sex Positive Trans Sex	S Bear Bergman; TBA (still hoping to coax Tob))	103B	Open
Let's show pride...parents and trans youth communicate	Jeanette; Jazz; Deborah Eve Grayson; Mary Moss; Chris	103C	

Theatre of the Oppressed	Qian Li	109B	Open
Beyond the Latin@ Sex God/Goddess: How are we really getting down?	Cara Rodriguez-Fucci; Lorenzo Van Ness	110A	Attendance Restricted
M2F Gender Confirming Surgical & Non-surgical Procedures- What's EXCITING and NEW!	Dr. Kathy Rumer	110B	
Transgressing Gender In Polytheism and Contemporary Paganisms	Lynn Walker; Rev Galina Krasskova	111A	Open
Navigating Awkward Moments	Jacob Rostovsky	111B	
Afternoon/Asr Muslim Prayer		105A	
Trans* Fostering	Jackson Shultz; Kristopher Shultz; August Branch	102A	Open
Trans Woman to Trans Woman: Building Sisterhood Across Lines of Race, Class and Age	Joelle Ruby Ryan; Pauline Park ; Danielle Askini ; Dionne Stalworth ; Monica Roberts	102B	Attendance Restricted
Radical Acts of Love: Queer & Trans Muslims Reclaiming Islam	Wazina Zondon; Tema Tilley-Gyado; Faizan Fiaz; Tynan Power	103A	Open
The professional transition: Transitioning at work as a mental health or medical provider	SJ Langer, LCSW-R	103B	

Two Spirit Documentary and Discussion	Harlan Pruden; Sheldon Raymore; Janis Stacy	103C	
Kick-Starting SOFFA Activism: Creating a Community Space Today	Cass Mercer	104A	Open
Trans Prisoners: The Prison Industrial Complex, Survival, and Solidarity	Reed Miller; Drake Jones; Walker Oliver	104B	Open
Arm Your Art: Strategizing Creative Community-Based Responses to Violence	Gender Justice LA Theatre of the Oppressed	105B	Open
BI Ourselves: Bisexual identities in Trans* Communities	Rev. Francesca Fortunato	106A	Open
support Group: Parents of Transgender Youth	Susan Maasch; Dr. Michelle Forcier; Rebecca Oglesby; Callum Angus; Devon Mulligan	107B	Attendance Restricted
Making Trans People Count: Trans and Gender Nonconforming Data Collection in Policy and Practice	Alison Gill; Dr. Scout; Kellan Baker; Lisa Mottet	109A	Open
Cock Talk! Going Deeper	Zander Keig; Trystan Cotten	109B	Open
Addressing the Health Care and Social Service Needs of Trans* Folks in the Sex Trade	Sarah Elspeth Patterson ; Gus Klein; Nik Krempasky ; Charles Cloniger	110A	Open
How To Successfully Transition in Your Employment	Rev. Moonhawk River Stone, M.S., LMHC	110B	
Lenguas TransLatin@s	Lorenzo Van Ness	111A	Attendance Restricted
The Body Temple	Rev. Rik Fire; Rev. Anna-Sara Fire BA-Journalism, MDiv-	111B	

	Candidate		
POC Feedback Session	Leo T. Watts	106A	Attendance Restricted
Blender! Performances		103C	

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APPENDIX L
TRANS DAY OF ACTION

Philadelphia Trans Health Conference – June 13, 2013

Transgender Injustice: Police Encounters and Incarceration, A Know Your Rights Workshop

Alisha Williams & Chase Strangio

Trigger Warning: This document and workshop describes the criminal injustice system with some details about different practices and may be triggering for anyone who has experienced arrest and/or detention.

CRIMINAL INJUSTICE & DEPORTATION SYSTEM – AN OVERVIEW

This document provides a general overview of the criminal injustice & immigration enforcement/deportation system triggered by police encounters and arrest. Nothing in this document should be construed as legal advice. If you have a specific question about your particular situation, it is best to consult an attorney. Though there are general requirements under the US Constitution, practices will vary in different jurisdictions. Some jurisdictions may be more protective of the rights of criminal defendants than others but it is important to remember that regardless of what a person's "rights" are, police, corrections and immigration practices will often not follow the law and even where your rights are violated, there may be no meaningful legal remedy. Your instincts and experiences will likely be more valuable than any formal legal rules.

I. Police Stop

- a. **On the Street.** Transgender & Gender Non-Conforming (TGNC) people, especially TGNC people of color, are frequent targets of police stops. You may have experienced profiling and arrest for just being who you are.
 - i. Legally, an officer needs REASONABLE SUSPICION that you are engaged in "criminal activity" in order to stop and detain you. If you are stopped, you can ask, "Am I free to go?" If they say "yes," and you feel safe, you should leave. If they say, "no," then you are being detained.
 - ii. Do not voluntarily say anything or take anything out of your pockets or bag.
 - iii. You should only say "I do not consent to this search"; "I wish to remain silent"; "I wish to speak with an attorney". It is unlikely that saying these things will change the course of the police encounter. The objective is to preserve your rights and not offer implicit consent to the search. **DO NOT SAY ANYTHING.**
 - iv. It is illegal for police to sexually harass you or force you to do something in exchange for not being arrested.
- b. **In your home.** Because of discrimination and violence in employment, housing, shelter systems and through previous criminal justice system contact, TGNC individuals are disproportionately street homeless. This means, that it can be harder to insulate yourself from contact with the state. Inside one's home the law recognizes a greater expectation of privacy and therefore creates some additional protections against involuntary law enforcement encounters in private homes and other indoor settings. There are complicated rules about when warrants are required to enter different private spaces. If you are in a private home or office police generally need a warrant before entering.
 - i. Do not open the door or elevator to a police or immigration officer without asking to see a warrant. Have the officer slide the warrant under the door or hold it up to a place where you can see that does not require you to let them in.
 - ii. The warrant should specify the proper address where the officers are seeking to enter. If it does not, do not let them in.
 - iii. Even if the officers have a warrant, you retain all of your rights to remain silent and should not say anything without a lawyer present.

- iv. If the officers do not have a warrant but you have reason to speak with them, you can step outside, lock the door behind you and have a conversation with them.

c. General Tips.

- i. If the police ask you questions, you should give your legal name and address, but do not answer any other questions and do not give the officers your phone number.
- ii. Memorize police names/badge numbers if you can. If the officer's shield is visible, the badge number will be on the shield.
- iii. Be aware that fighting with the police or resisting during an arrest can lead to more violence and criminal charges.
- iv. If an officer speaks only in English and you don't understand English, make a note of that.
- v. Do not say "yes" to an officer's question if you do not understand what the officer is asking.
- vi. Be aware that police officers do not have to tell you that they are officers. Undercover officers can do drugs, take their clothes off, touch you and be touched if they are policing sex work.
- vii. In New York City, you cannot be strip searched for the sole purposes of determining your genital characteristics but in other jurisdictions, there may not be protections against this type of search.
- viii. If at any point during a police encounter or arrest, an officer asks about your immigration status, you can say, "I would like to remain silent, and I want to speak to a lawyer" or just remain silent. Do not lie about your citizenship status or provide fake documents. Indicating that you are a US citizen when you are not can lead to future problems with immigration.

II. Arrest/Summons/Lock-up

- a. **General.** If during the course of the stop, the police arrest you, they will have to read you your Miranda Rights (your right to remain silent, your right to attorney, your right to be informed that anything you say can be held against you in court) before continuing to question you. Once you are arrested, you will be taken to a local police precinct. TGNC individuals are often held for longer periods of time during arrest and while at the precinct because of violence during processing. This violence may be in the form of forcing people to be housed in a sex-segregated space inconsistent with their gender identity, it may be through harassment or public humiliation, and often can include physical and sexual violence. Not only is this treatment illegal, but it also delays the arrest and processing.
 - i. You have the right to a phone call within a reasonable time after an arrest. It is important to memorize important phone numbers because your cell phone will be confiscated when you are processed at the precinct.
 - ii. During processing you will be fingerprinted, photographed and your property will be taken from you. You should be given a voucher for your property. Some property may be vouchered as evidence in which case you will not be able to get it back without a DA's release, usually at the conclusion of your case.

- iii. You may be released from the precinct and told to come to court at a different date if you have been arrested for a minor offense. In New York, this is called a Desk Appearance Ticket (DAT). If you are given a DAT or a summons or a comparable document telling you to come to court, it is important to appear on the date listed. Failure to appear can lead to a bench warrant.
- b. **Prostitution-related arrests.** Transgender individuals, and transgender women of color in particular, are often arrested for “prostitution” and “loitering for the purposes of prostitution” (or other similar offenses) because of police profiling. This means that you may be stopped by the police simply because they believe that you are transgender. It is not legal to be stopped or arrested ONLY because you are transgender.
 - i. To legally arrest someone for prostitution, the police should see them offer, agree to, or exchange sexual conduct for a fee.
 - ii. Sometimes police pretend to be clients or customers of sex workers to get them to offer or agree to sexual conduct for a fee. The police are allowed to do this and they do not have to tell the truth if you ask if they are the police.
 - iii. Often police arrest people falsely even if they do not see them doing those acts. If you have been falsely arrested, tell your public defender the circumstances of your arrest.

III. Arraignment

- a. **General.** After you arrested, you will have the opportunity to appear before a Judge within 48 hours. This is called your arraignment.
- b. **Lock-up.** TGNC individuals often report waiting longer periods of time before seeing a judge because they experience delays at each stage in the processing. While in court, TGNC individuals may be held in bull-pen type cells based on their assigned sex at birth. This can be both dangerous and humiliating. Often TGNC individuals will be held in separate cells, which can also be dangerous and humiliating and frequently leads to TGNC defendants being arraigned last.
- c. **Counsel.** In most cases, before you go before a judge you will speak to a lawyer. Make sure this person is an attorney – ask them to present a business card. Hold onto the business card. In New York City and most larger jurisdictions, you will be provided with a court appointed public defender for your arraignment. This is a free lawyer who will represent you at this first court date. You have a right to ask the lawyer about any consequences of taking a plea in your case.
- d. **Release.** At your arraignment, the judge will determine whether or not to set-bail in your case, remand you to custody or release you on your own recognizance (ROR). Often the arguments for release are based on community connections that are harder for TGNC people to show because of systemic violence and discrimination in the community. For this reason, TGNC defendants may be more likely to have bail set in their cases, which leads to less favorable outcomes.
- e. **If you are a not a US citizen.** DO NOT HIRE A LAWYER YOU DO NOT KNOW when you are in the court this first time. If you want to hire a lawyer you can do this after your arraignment. The lawyers at court asking for money may not know anything about the consequences of criminal convictions on your immigration status.

- i. When you meet with the lawyer, tell them about your immigration status. Even if they seem untrustworthy, disclosing your status could protect you later. Ask your lawyer if they believe that bail will be set in your case. If they do, ask that your case be moved to the end of the list of cases so you have time to get family and friends to collect bail.
- ii. Immigration agents try to identify non-citizens in police and corrections custody. Do not sign anything while in custody if you do not thoroughly understand it (generally you should not sign anything but there are some forms that may be presented to you that allow you to request NOT to be questioned by ICE). Be aware that an ICE agent may try to interview without disclosing their status as an ICE agent. Be aware of this possibility and do not talk to anyone without asking to see a business card.
- iii. If you are undocumented (meaning you do not have immigration papers or you had papers that are expired) you can be deported even if you have no criminal convictions.
- iv. If you have lawful immigration status such as a green card, you can still be deportable for minor criminal convictions.
- v. THE MOST IMPORTANT THING TO DO TO AVOID DEPORTATION MAY BE TO STAY OUT OF JAIL. That could mean paying bail quickly at the court, or accepting a plea at arraignment to avoid going to jail. If you need to take a plea at arraignment, try to speak with an immigration attorney to ensure that you are not taking a plea to something that might adversely affect your immigration status.
- f. **Warrants.** If you have been deported before or are presently on parole, you will probably have a warrant or detainer of some kind before you reach the judge. In some jurisdictions where Immigration & Customs Enforcement is already cooperating with local police under the S-Comm program, you may have an immigration detainer before you appear before the judge. A warrant or detainer means that another agency will take custody of you after are released from the custody of the police or corrections agency (usually after the release at arraignment, the payment of bail or the conclusion of the case). Ask your lawyer if there are any warrants or detainers before you pay any bail. If there are, do not pay bail. Your lawyer will know if there are any detainers (also known as immigration warrants, deportation orders, and ICE detainers), so be sure to ask before bail is paid. If you pay bail when there is a warrant or detainer, you will be moved to immigration detention or into the custody of another agency.

IV. Jail/Prison-Overview

- a. If bail is set in your case or if you are sentenced to a period of incarceration less than one year, you will go to jail. If you are convicted of a felony offense and sentenced to a period of incarceration over one year, you will go to prison. If you are charged with a federal crime, you will appear in federal court and will go to federal prison if convicted. You can also be charged with both state and federal offenses and usually you will complete any state time before being transferred to federal custody for any remaining time.

- b. Once inside a jail or immigration facility, you will almost always be housed according to your “genital status” and not your gender identity. For example, if you are a transgender woman, you will most likely be housed in a men’s jail or prison. Often TGNC individuals in prison and jail are held for prolonged periods of time in protective custody or administrative segregation. You may be locked down for up to 23 hours a day and may have less access to programs, medical care, writing instruments, showers, and contact with other individuals.
- c. In many correctional settings, it is very difficult to access any necessary medical care. It can be especially difficult to access gender-affirming care such as hormones, electrolysis and surgery. However, there is a growing consensus that being deprived of medically necessary care, including hormones and other treatment for Gender Identity Disorder, while in detention is a violation of your constitutional rights.
- d. In order to preserve your right to bring a lawsuit against an officer who violates your rights, you will have to follow different procedural rules. It is important to find out what rules apply in your jurisdiction. You will almost always have to exhaust your administrative remedies to bring a federal claim for violation of your rights while in local, state or federal custody. To properly exhaust your remedies, be sure to observe all time limitations for filing grievances and appeals.

V. Immigration Detention -General Tips.

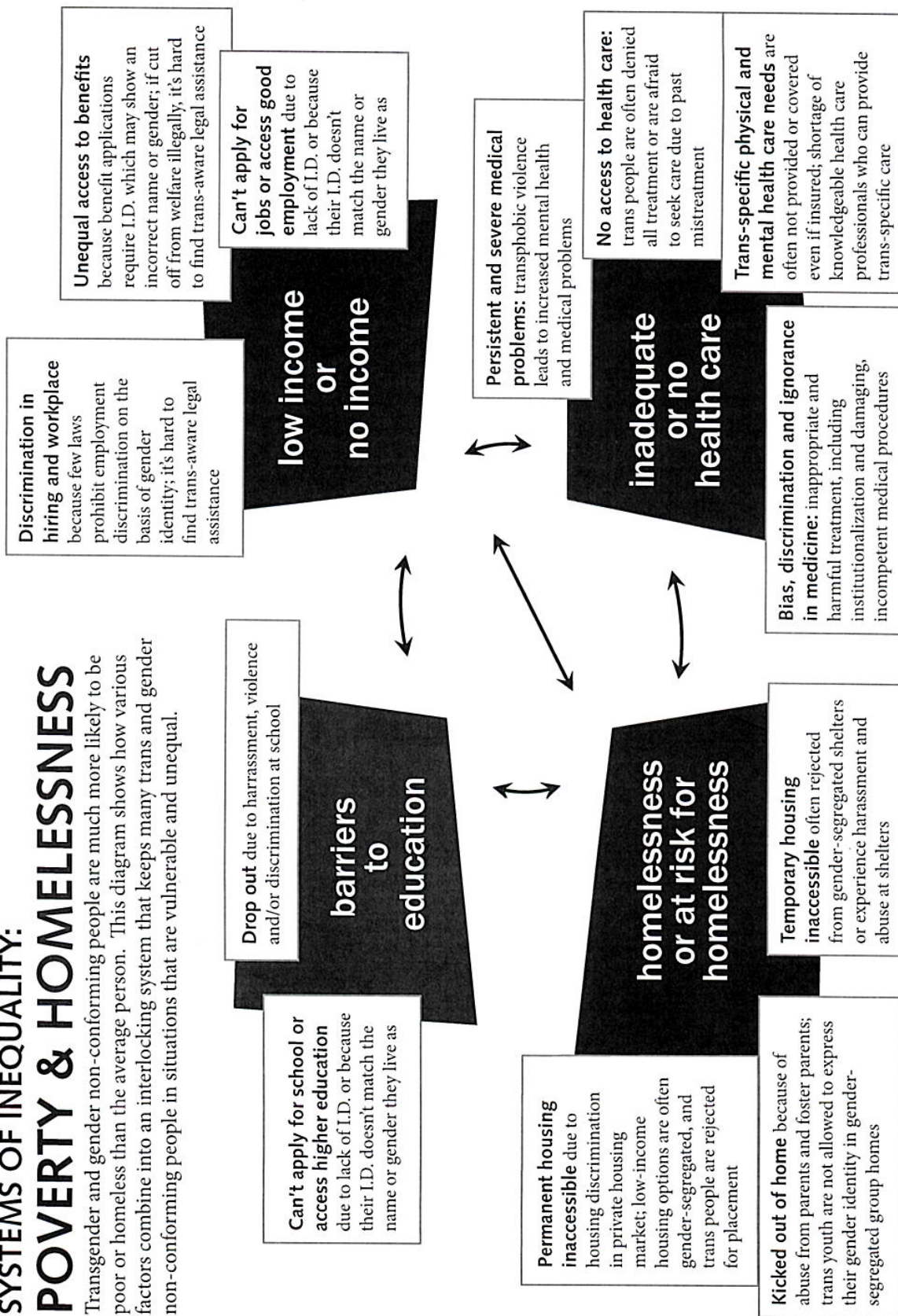
- a. If there is an ICE warrant or detainer placed on you while you are in police or corrections custody, you will likely be moved into Immigration custody EITHER: when you pay bail or when your criminal case ends.
- b. Once you pay bail or your criminal case ends, ICE has 48 hours (not including weekends and holidays) to move you into Immigration. If you are not moved within 48 hours, contact an attorney immediately.
- c. You may be moved to an Immigration Detention facility far away. It might be helpful to gather any documents you might need such as letters from family and friends, evidence of why you left your home country or other documents while you are at Rikers.
- d. DO NOT sign any papers given to you in immigration detention – they could be an agreement to get deported.
- e. Contact a lawyer immediately and tell them that you would like a bond hearing. You have a right to a lawyer (but not necessarily a free lawyer). If you get a private lawyer, make sure they specialize in removal proceedings for people with criminal convictions. A bond hearing is like a bail hearing. At the bond hearing the judge will decide whether to set bond (bail) and whether you can be released from detention.
- f. Even if you are not able to get a lawyer, you can ask for a bond hearing from the deportation officer or judge. Though not everyone is eligible for bond, it is recommended that you try.

VI. Contact

- a. Alisha Williams, Sylvia Rivera Law Project, 147 W. 24th St., 5th Fl. New York, NY 10011; Alisha@srjp.org; 212-337-8550 ext. 302.
- b. Chase Strangio, LGBT & AIDS Project, ACLU, 125 Broad St., 17th Fl. New York, NY 10004; cstrangio@aclu.org; 212-284-7320.

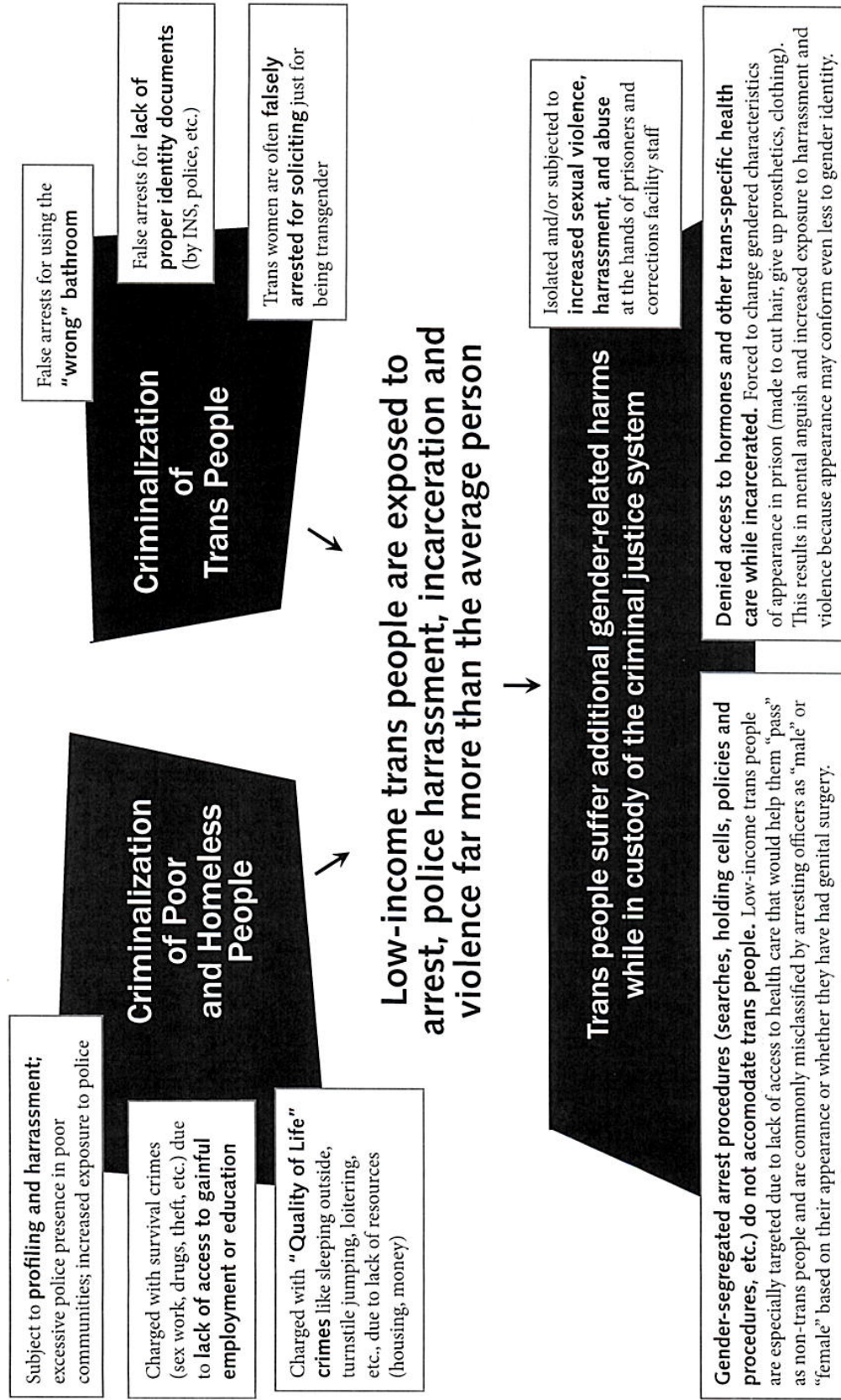
SYSTEMS OF INEQUALITY: POVERTY & HOMELESSNESS

Transgender and gender non-conforming people are much more likely to be poor or homeless than the average person. This diagram shows how various factors combine into an interlocking system that keeps many trans and gender non-conforming people in situations that are vulnerable and unequal.



SYSTEMS OF INEQUALITY: CRIMINAL JUSTICE

This diagram illustrates how overpolicing and profiling of low-income people and of transgender and gender non-conforming people intersect, producing a far higher risk than average of imprisonment, police harassment, and violence for low-income trans people.



APPENDIX M
WHAT THE DOMA DECISION MEANS FOR YOU

WHAT THE DOMA DECISION MEANS FOR YOU: FAMILY & IMMIGRATION LAW

September 24, 2013 | 6:00-7:30pm
Brooklyn Community Pride Center



LGBT Law Talk Presenter Bios

Carol L. Buell has been in private practice in New York City since 1985. She is a partner in the law firm of Weiss, Buell & Bell. Carol specializes in non-traditional family law, assisting clients with second-parent adoptions, re-adoptions, agreements regarding donors, co-parents and domestic partnerships. She also specializes in estate planning and real estate law, representing individuals in the sale or purchase of cooperative and condominium apartments, and homes. She is a founding member of the LGBTQ Collaborative Professionals of New York City, a group of attorneys, mental health professionals and financial advisers committed to the structured processes and principles of collaborative practice, and are dedicated to serving the LGBTQ community in the New York City area. She has also received an intensive mediation training through The Center for Understanding in Conflict & The Center for Mediation in Law.

As the number of same sex New York couples who marry has grown elsewhere, and now that marriage equality is a reality in New York State, the need for counsel in preparing prenuptial and postnuptial agreements, as well as alternative methods of assisting LGBTQ families with custody, support and visitation issues for non-intact families becomes critically important. Carol's practice has evolved in order to assist her clients in this area as well. Carol is a honored to serve on the National Center for Lesbian Rights' National Family Law Advisory Council, and is former member of the Association of the Bar's Committee on Lesbians and Gay Men in the Legal Profession, and has served on various boards of directors in the LBGT community, including S.A.G.E., (1980's) and Lambda Legal Defense & Education Fund, Inc., (1986-1992) three of six years as the co-chair of the Board of Directors. Carol has also been a lecturer at other CLE programs including New York County Lawyers Association, New York State Bar Association, and NYS Judicial Training Panel on Non-Traditional Family Law, and is the author of "Legal Issues Affecting Alternative Families": A Therapist's Primer, appearing in the Journal of Gay and Lesbian Psychotherapy, 2001 Edition. Carol is a 1980 graduate of Brooklyn Law School. She resides in Brooklyn, New York with her spouse and life partner of twenty-nine years, Olivia Hicks, and their eleven year old daughter, Helen.

Carlene Jadusingsh (CJ) is a solo practitioner with an immigration and general civil practice in Manhattan. Her practice areas are very diverse and range from asylum, cancellation of removal and adjustment of status to business and employment law, landlord/tenant (both residential & commercial), contracts (including commercial lease agreements, pre & post nuptial agreements and sponsorship contracts), wills and consumer law. CJ graduated cum laude from CUNY's John Jay College of Criminal Justice with a BA in Forensic Psychology and received her JD from St. John's University School of Law.

Prior to law school, CJ had a distinguished career as a Federal Pretrial Services Officer in the Federal Court, Eastern District of New York. In addition to serving as the chair of the Solo & Small Firm Committee of the LGBT Bar Association of Greater New York (LeGaL), CJ is a former president of LeGaL and continues to serve on LeGaL's board of directors. She also sat on the NYC Bar Association's Housing Court Committee for several years, has published several articles, participated in numerous speaking engagements, panel discussions, CLE's and wrote a popular blog for the NYS Bar Association's Lawyer's in Transition Committee titled "Reasonable Doubt."

Brad Snyder is Executive Director The LGBT Bar Association of Greater New York (LeGaL), a bar association & related foundation dedicated to serving the LGBT legal community and the public. In his role as Executive Director, Brad oversees all of LeGaL's pro bono clinics, continuing legal education programs, advocacy efforts and associated fundraising and other activities. Prior to becoming Executive Director, Brad served as President of the organization for two years and on its Board of Directors. Brad is also a former member of the Government Ethics Committee of the New York City Bar Association where he was a principal author of a report on the creation of an independent ethics commission at the federal level.

Prior to assuming his current position with LeGaL, Brad was a Senior Counsel in the Legal Counsel Division of the New York City Law Department where he advised City agencies and the Mayor's Office on a variety of policy, legislative and regulatory initiatives. Brad frequently advised on issues relating to education, consumer affairs and small business services. Prior to joining Legal Counsel, Brad worked as a litigator for nearly four years in the Law Department's Affirmative Litigation Division where he worked on matters including the City's tax claims against several foreign countries (a case in which the City prevailed on jurisdiction in the U.S. Supreme Court), the City's claims against cigarette sellers for evasion of local taxes and the landmark *CFE* education case in which the City appeared as an *amicus* party.

Brad worked as a corporate associate in the New York office of Skadden, Arps, Slate, Meagher & Flom LLP prior to joining the Law Department in 2004. He graduated from Tufts University in 1998 and the New York University School of Law in 2002.

Thank you for attending “LGBT Law Talks” this evening. We are pleased to offer the following information and fact sheets prepared by various LGBTQ organizations and U.S. government agencies to help inform you on the topics discussed during the program.

As stated in many of the resources, this information is not a substitute for the advice of counsel based on your particular circumstances and does not constitute legal advice.

This information is also publicly available online – please visit the following web sites for further details*:

Immigration Equality - <http://immigrationequality.org/>
Internal Revenue Service - <http://www.irs.gov/>
Lambda Legal - <http://www.lamdalegal.org/>
U.S. Department of Homeland Security - <http://www.dhs.gov/>
U.S. Department of Social Security - <http://www.ssa.gov/>
U.S. Department of the Treasury - <http://www.treasury.gov/>
U.S. Office of Personnel Management - <http://www.opm.gov/>

** The information relating to the impact of the DOMA (Windsor) decision is subject to change – please be sure to consult the most up-to-date resources posted online or elsewhere. Additional organizations that may be helpful to you are listed on the fact sheets themselves.*



The Supreme Court victory in *United States v. Windsor* striking down the discriminatory federal Defense of Marriage Act (DOMA) affirms that all loving and committed couples who are married deserve equal legal respect and treatment from the federal government. The demise of DOMA marks a turning point in how the United States government treats the relationships of married same-sex couples for federal programs that are linked to being married. At the same time, a turning point is part of a longer journey, not the end of the road. There is much work ahead before same-sex couples living across the nation can enjoy all the same protections as their different-sex counterparts.

Keep in Mind

- The Supreme Court's ruling in *Windsor* applies only to the federal government. It does not change discriminatory state laws excluding same-sex couples from state-conferred marriage rights.
- Federal agencies—large bureaucracies—may need and take some time to change forms, implement procedures, train personnel, and efficiently incorporate same-sex couples into the spousal-based system.
- Until same-sex couples can marry in every state in the nation, there will be uncertainty about the extent to which same-sex spouses will receive federal marital-based protections nationwide. For federal programs that assess marital status based on the law of a state that does not respect marriages of same-sex couples, those state laws will likely pose obstacles for legally married couples and surviving spouses in accessing federal protections and responsibilities.
- Securing full access to federal protections that come with marriage for all same-sex couples in the nation will take some time and work. In some situations, it may require Congressional action or formal rule-making by agencies.
- Before making a decision, it is essential that you consult an attorney for individualized legal advice. This is particularly important for people who are on certain public benefits, as getting married may jeopardize your eligibility without providing you the full measure of protections other married couples enjoy. In addition, couples who travel to another place to marry and then return to live in a state that does not respect their marriage may be unfairly unable to obtain a divorce, which can lead to serious negative legal and financial consequences. People must make careful decisions when and where to marry, even as we work together to end this injustice.
- We are committed to winning universal access to federal marital protections for married same-sex couples through ongoing public policy advocacy and, where necessary, strategic litigation. Contact our organizations if you have questions, for updates and to learn more about what you can do to achieve full equality for those who are LGBT.

This Guidance is intended to provide general information regarding major areas of federal marriage-based rights and protections based on how the various federal agencies have administered federal benefits. It should not be construed as legal advice or a legal opinion on any specific facts or circumstances, and does not create an attorney-client relationship. Past practice is no guarantee of future developments. While laws and legal procedure are subject to frequent change and differing interpretations in the ordinary course, this is even more true now as the federal government dismantles DOMA and extends federal protections to same-sex couples. None of the organizations publishing this information can ensure the information is current or be responsible for any use to which it is put.

No tax advice is intended, and nothing therein should be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.

Contact a qualified attorney in your state for legal advice about your particular situation.

THE SUPREME COURT RULING ON THE DEFENSE OF MARRIAGE ACT: WHAT IT MEANS

The Supreme Court's historic ruling striking down Section 3 of the discriminatory Defense of Marriage Act (DOMA) is an enormous victory for loving, married couples and their families, and affirms that they deserve equal treatment under the law. This victory demonstrates the importance of access to marriage, and gives married same-sex couples access to the tangible benefits of the federal safety net, allowing them to better protect one another and their children.

Edie Windsor demonstrated tremendous courage in standing up and speaking out for her 44-year relationship and marriage when she was treated unjustly, and her actions have directly improved the lives of all same-sex couples.

Ending DOMA lifts up all LGBT people, even if it does not end our work. DOMA was an official federal policy disapproving of gay people and same-sex relationships, often initiated by states and private actors, and imposed a second-class status on our lawful marriages by negating them for all federal purposes. The Court has now affirmed that equal protection guarantees apply to the relationships of LGBT people and has replaced federal disrespect with federal respect for our lawful marriages. This victory will energize our work moving forward so that we can achieve a reality in which every single same-sex couple enjoys full and equal protections under the law, regardless of where they live.

For legally married couples living outside of a marriage state or the District of Columbia, there are still many questions about when they will be equally able to share in federal protections, responsibilities, and programs. This is because the federal government typically defers to the states in determining whether a couple's marriage is valid. There is no one rule across all federal agencies. Some agencies look to the law of the state where a couple married regardless of the law of the state where the couple now lives, while others look to the law of the state where the couple is living now.

We think the federal government can and should take action, where necessary, to ensure that married couples in all states have access to the largest number of federal programs. The federal government is already looking at how federal agencies can ensure fair and equal treatment of all married couples where possible. However, at this time, there are a number of important federal benefits that depend on whether your marriage is recognized where you live, so couples who live in states with bans on marriage by same-sex couples should proceed with caution before making the decision to marry.

CAUTION: If you live in a state that discriminates against married same-sex couples, you should be aware that the Supreme Court decision striking down part of the federal so-called Defense of Marriage Act does NOT mean that your state must respect your marriage or that you will be eligible for all marriage-based federal benefits. Further work is still required to end marriage discrimination nationwide and to secure both state and federal equal treatment for all marriages.

This series of fact sheets produced together by:

American Civil Liberties Union | Center for American Progress | Family Equality Council | Freedom to Marry | Gay & Lesbian Advocates & Defenders
Human Rights Campaign | Immigration Equality | Lambda Legal | National Center for Lesbian Rights | National Gay and Lesbian Task Force | OutServe-SLDN.

Depending on your individual circumstances, the current patchwork of discriminatory laws may be financially detrimental to you or your partner and may create financial and legal complications for you and your family. Before making a decision, it is essential that you consult an attorney for individualized legal advice. This is particularly important for people who have or are applying for government benefits. Getting married may jeopardize your eligibility for certain public benefits without providing you the full measure of protections other married couples enjoy. In addition, if you travel to another place to marry and then return to live in a state that does not respect your marriage, you may be unfairly unable to obtain a divorce, which can lead to serious negative legal and financial consequences. Same-sex couples will continue to endure a mix of respect, discrimination, and uncertainty until we have secured the freedom to marry and full respect nationwide. People must make careful decisions when and where to marry, even as we work together to end this injustice.

The following questions lay out what we know so far.

What does this mean for legally married same-sex couples living in a state that respects their marriage?

Same-sex couples who are legally married and live in a state that respects their marriage should be eligible virtually right away for the same protections, responsibilities, and access to federal programs afforded to all other married couples. The federal government may take some additional time to change forms, train staff, and otherwise prepare for this change. We expect further guidance from the federal government and will update this Q&A and the "After DOMA: What it Means For You" LGBT Organization Fact Sheet Series accordingly.

There are more than 1,100 places in federal law where a protection or responsibility is based on marital status. A few key examples include access to Social Security survivors' benefits; the option to use family medical leave to care for a spouse; the opportunity to sponsor a foreign-born spouse for citizenship; and access to veterans' spousal benefits.

What about legally married same-sex couples living in a state that does not respect their marriages?

Legally married same-sex couples living in a state that does not respect their marriages may right away have access to *some* federal rights and benefits, but not to many others, at least not immediately. Federal agencies have different approaches regarding which state's laws they look to in order to determine if a marriage is valid for federal purposes. Some, including the IRS and Social Security, have looked to the laws of the state where a couple lives (*place of domicile/residence*). Others, including immigration agencies, look to where a couple got married (*place of celebration*). Other federal agencies and programs look to the state "with the most significant interest" in the marriage, and many have no explicit rule at all.

Some federal programs, including immigration, already use a "place of celebration" standard. This standard best provides certainty, clarity, and stability for couples, their loved ones, employers, government agencies, and others, especially in a society where people regularly move for jobs, family, and many other purposes. Such a standard would simply acknowledge that a couple is married for federal purposes regardless of where the couple lives; it wouldn't tell a state how it must treat married same-sex couples.

For many programs, the administration can take steps to adopt the standard fairest to all married couples: the "place of celebration" standard. Some agencies can use this time-honored legal standard just by changing their practices. Others may have to change regulations, requiring a more lengthy

process of proposing new rules and soliciting public comments, or laws. Because the Supreme Court's decision does not require states to recognize the marriage of same-sex couples and does not guarantee that married couples who live in states with marriage bans will receive all of the federal benefits based on marriage, couples who live in these states should proceed with caution before deciding to marry. Depending on your individual circumstances, getting married may be financially or legally detrimental, especially if you are receiving certain government benefits. Couples should seek out individualized legal advice from a knowledgeable attorney before traveling to another place to marry.

Will legally married same-sex couples receive retroactive access to benefits they were previously denied?

It depends on a number of circumstances. As a general matter, if a person is not prohibited by a deadline in the law from seeking benefits, he or she may file an application and seek certain back benefits. However, many benefits start to accrue only with an application, so the date of application will be the starting point. For claims reaching into the past, as with claims for overpaid taxes, there are specific time limits on when refund claims may be brought forward. The "After DOMA: What it Means For You" LGBT Organization Fact Sheet Series addresses many of these questions.

There are many financial benefits that married same-sex couples have missed out on because the federal government did not respect their marriage. But it is likely that the federal government will, in most instances, adopt a forward-looking approach, ensuring that married same-sex couples are respected as married from the day the Court's ruling takes effect.

Is all of DOMA now completely repealed?

No. The *Windsor* case challenged the constitutionality of Section 3 of DOMA, the part that discriminatorily excluded married same-sex couples from federal protections, responsibilities, and programs. Section 2 of DOMA, which says that states may discriminate against gay couples legally married in other states, still stands. Legislative action will be needed to remove it, although getting rid of Section 2 will not eliminate discriminatory state marriage laws.

The Respect for Marriage Act, a bill pending in Congress that enjoys bipartisan support and the backing of President Obama, would fully repeal all of DOMA. It would also ensure that all married couples — including same-sex couples — enjoy equal rights under federal law. It would not tell states what to do, but would ensure that the federal government treats all marriages with respect.

What are the movement's next steps on DOMA?

The undersigned LGBT organizations are working with others in the Respect for Marriage Coalition to ensure that the greatest number of federal protections, responsibilities, and programs are available to married couples as soon as possible. In some cases, this may require policy and regulatory changes within the agencies, some of which could take time. Further legislative action may also be needed, particularly to get rid of the rest of DOMA. To that end, we will continue to advocate for the Respect for Marriage Act in Congress.

We are committed to working until every single legally married same-sex couple receives the same protections, responsibilities, and programs as all other married couples — regardless of where they live — and to securing the freedom to marry nationwide.

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American Civil Liberties Union | Center for American Progress | Family Equality Council | Freedom to Marry | Gay & Lesbian Advocates & Defenders
Human Rights Campaign | Immigration Equality | Lambda Legal | National Center for Lesbian Rights | National Gay and Lesbian Task Force | OutServe-SLDN.

Implementation of federal rights, benefits, and protections will vary from state to state and on an individual basis. We encourage you to consult a legal or tax professional to determine the best next steps you can take. This document is intended to provide an educational overview, not to serve as legal advice or a guide for making personal financial decisions



FOR MORE INFORMATION, CONTACT

AMERICAN CIVIL LIBERTIES UNION
aclu.org/lgbt

CENTER FOR AMERICAN PROGRESS
americanprogress.org

FAMILY EQUALITY COUNCIL
familyequality.org

FREEDOM TO MARRY
freedomtomarry.org

GAY & LESBIAN ADVOCATES & DEFENDERS
glad.org

HUMAN RIGHTS CAMPAIGN
hrc.org

IMMIGRATION EQUALITY
immigrationequality.org

LAMBDA LEGAL
lambdalegal.org

NATIONAL CENTER FOR LESBIAN RIGHTS
nclrights.org

NATIONAL GAY AND LESBIAN TASKFORCE
thetaskforce.org

OUTSERVE-SLDN
outserve-sldn.org

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LGBT ORGANIZATIONS FACT SHEET SERIES: **AFTER DOMA** WHAT IT MEANS FOR YOU

The Supreme Court victory in *United States v. Windsor* striking down the discriminatory federal Defense of Marriage Act (DOMA) affirms that all loving and committed couples who are married deserve equal legal respect and treatment from the federal government. The demise of DOMA marks a turning point in how the United States government treats the relationships of married same-sex couples for federal programs that are linked to being married. At the same time, a turning point is part of a longer journey, not the end of the road. There is much work ahead before same-sex couples living across the nation can enjoy all the same protections as their different-sex counterparts.

IMMIGRATION

Keep in Mind:

- The Supreme Court's ruling in *Windsor* applies only to the federal government. It does not change discriminatory state laws excluding same-sex couples from state-confined marriage rights.
- Federal agencies—large bureaucracies—may need and take some time to change forms, implement procedures, train personnel, and efficiently incorporate same-sex couples into the spousal-based system.
- Until same-sex couples can marry in every state in the nation, there will be uncertainty about the extent to which same-sex spouses will receive federal marital-based protections nationwide. For federal programs that assess marital status based on the law of a state that does not respect marriages of same-sex couples, those state laws will likely pose obstacles for legally married couples and surviving spouses in accessing federal protections and responsibilities.
- Securing fair access to federal protections that come with marriage for all same-sex couples in the nation will take some time and work. In some situations, it may require Congressional action or formal rule-making by agencies.
- Before making a decision, it is essential that you consult an attorney for individualized legal advice. This is particularly important for people who are on certain public benefits, as getting married may jeopardize your eligibility without providing you the full measure of protections other married couples enjoy. In addition, couples who travel to another place to marry and then return to live in a state that does not respect their marriage may be unfairly unable to obtain a divorce, which can lead to serious negative legal and financial consequences. People must make careful decisions when and where to marry, even as we work together to end this injustice.
- We are committed to winning universal access to federal marital protections for married same-sex couples through ongoing public policy advocacy, and, where necessary, strategic litigation. Contact our organizations if you have questions, for updates and to learn more about what you can do to achieve full equality for those who are LGBT.

This Guidance is intended to provide general information regarding major areas of federal marriage-based rights and protections based on how the various federal agencies have administered federal benefits. It should not be construed as legal advice or a legal opinion on any specific facts or circumstances, and does not create an attorney-client relationship. Past practice is no guarantee of future developments. While laws and legal procedure are subject to frequent change and differing interpretations in the ordinary course, this is even more true now as the federal government dismantles DOMA and extends federal protections to same-sex couples. None of the organizations publishing this information can ensure the information is current or be responsible for any use to which it is put.

No tax advice is intended, and nothing therein should be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.

Contact a qualified attorney in your state for legal advice about your particular situation.

These FAQs address some of the questions we anticipate LGBT families with immigration issues will have following a Supreme Court decision striking down the Defense of Marriage Act (DOMA). For general information about U.S. immigration law and how it affects LGBT individuals and their families, see the Immigration Equality website, immigrationequality.org. Immigration is a complicated area of law, with many factors to consider specific to each individual. Consult with a qualified immigration attorney about your specific situation.

Immigration attorneys told me in the past not to marry my partner because this will ruin my chances of getting a visa. Now that DOMA has been struck down, should I seek advice about whether this may have changed?

For those seeking permanent resident status in the United States, yes, that advice may change now. A reason attorneys have advised foreign partners of U.S. citizens not to marry is that for many of the most common types of non-immigrant visas, such as tourist visas (B1/B2) and student visas (F1), the foreign national entering the U.S. must demonstrate to the U.S. immigration official that he or she does not have the intent to remain in the U.S. permanently. Since there now is a legal means to apply for permanent immigrant status in the U.S. based on a marital relationship, in many cases it will make sense to go ahead and marry and file for permanent benefits.

Now that DOMA has been held unconstitutional, if I marry my partner can I sponsor her for a green card?

In many cases, yes. Options for families will vary from case to case, based upon a number of factors, including: whether the partners are living together or in different countries; whether the partners are living together in the United States or abroad; whether the partners have married; whether the partners can marry; and for families together in the United States, whether the non-U.S. citizen partner arrived here after having been inspected by an immigration officer or whether the partner entered without inspection. Same-sex couples will also have to meet the general criteria for marriage-based immigration. For general information about the procedure to apply for marriage-based immigration petitions on behalf of foreign spouses who are inside the U.S., see Immigration Equality's adjustment of status page (immigrationequality.org/issues/transgender/adjustment-of-status-procedural-steps/), and for foreign spouses who are outside the U.S., see Immigration Equality's consular processing page (immigrationequality.org/issues/transgender/consular-processing-procedural-steps/).

The following outlines some common circumstances for same-sex binational couples.

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WE ARE BOTH IN THE UNITED STATES

My spouse and I married in a marriage equality state and live in a state that recognizes our marriage. Can I file for her?

Yes, your application should be treated exactly as the application of a different-sex couple.

My spouse and I married in a marriage equality state but live in a state that does not recognize our marriage. Can I still file for him?

U.S. Citizenship and Immigration Services (USCIS) focuses on the place where the marriage was entered (the place of celebration), not the place where one spouse or both spouses live. As long as the marriage was validly entered into under the laws of the state or country of celebration, it should not matter where you currently reside.

If my partner and I entered into a civil union (for example in New Jersey) or a Domestic Partnership (for example in California) with all the rights of marriage, but are not actually married, can I sponsor her for a green card?

The answer to this is not entirely clear, and we hope to have guidance on this soon. If it is possible for you and your partner to marry even if you have to travel to a different state to do so, you may be better off marrying because you could then feel more secure in filing right away without having to wait for further guidance.

OTHER CONSIDERATIONS:**FOR IMMIGRANTS WHO ARE IN LAWFUL IMMIGRATION STATUS**

I am in the U.S. legally on a non-immigrant visa that allows me to have the intention to stay in the U.S. (for example an H1B or L1 visa). I am married to my spouse; can she file a green card application for me?

Yes, as long as the two of you are lawfully married, and you meet the other general immigration marriage requirements, you should be able to apply to adjust status to lawful permanent resident and process your paperwork from within the U.S. See immigrationequality.org/issues/transgender/adjustment-of-status-procedural-steps/

I am in the United States on a non-immigrant visa (for example a tourist or student visa) that required me to demonstrate that I did not have the intent to immigrate to the U.S. Is it a problem for me to marry my partner and have her file a marriage-based green card application?

Maybe. As with many areas of immigration law, this is an area that will involve a fact-intensive inquiry by the USCIS. It is considered acceptable to enter the U.S. with the intention to remain here temporarily and then have your intent change as circumstances in your life change. For example, a university student might meet someone after attending school here and decide to marry that person months or years after entering the U.S. on a student visa. On the other hand, if a person enters the U.S. on a tourist visa, marries, and applies for a green card within three weeks of entering the U.S., USCIS may conclude that the individual misrepresented her lack of immigrant intent to the immigration official at the airport and this could

lead to a denial of the application. This is the law for different-sex couples, and we expect it will apply identically to same-sex couples.

FOR IMMIGRANTS WHO ARE OUT OF STATUS

I entered the U.S. with a visa several years ago and never left. Can my U.S. citizen spouse file a green card application for me even though I am now here without legal status?

Yes. While the general rule under U.S. immigration law is that you cannot change your status from unlawful to lawful from within the United States, one very important exception to that rule is for spouses of U.S. citizens. As long as you entered the U.S. with inspection by a U.S. immigration officer, you can still file for a green card (adjust status) from within the U.S. even if you are currently here without lawful status.

I entered the U.S. without a visa and without inspection, by crossing the Mexican border. Can my spouse sponsor me for a green card?

It's complicated. You cannot file for a green card from within the United States if you entered without inspection. (There is an exception to this rule for people who had an Immigration petition or labor certification filed on their behalf on or before April 30 2001.) That means you will have to return to your home country to apply for a green card through consular processing. However, when you leave the U.S. to apply, you will probably be prohibited from returning because of the three year/ten year bar on returning to the U.S. following the accrual of unlawful presence. immigrationequality.org/issues/immigration-basics/most-common-questions/#unlawful-presenceundocumented-immigrants here. You may be able to file for a provisional waiver immigrationequality.org/issues/transgender/the-provisional-unlawful-presence-waiver/ of this bar from within the U.S. and wait here for the waiver to be approved before you leave the U.S. to use consular processing. This is a complicated application, and you will need to consult with an immigration attorney.

I AM IN THE UNITED STATES BUT MY PARTNER IS ABROAD

My spouse and I are legally married. I live in the United States but my spouse currently lives abroad because she had no way to get a green card here. What do we do now?

The two of you can file a marriage-based green card application. Since she is currently outside the United States, the application will be processed through the U.S. consulate in her country (consular processing) immigrationequality.org/issues/transgender/consular-processing-procedural-steps/, meaning that the U.S. consular staff will interview her there, rather than in the U.S. If her application is approved and she enters the U.S., she should be able to do so as a lawful permanent resident.

I live in the United States in a marriage equality state and my partner currently lives abroad because he had no way to get a green card here. We are not married, and same-sex couples are unable to marry in my partner's home country. What should we do now?

You have several options and should consult with an immigration attorney about them. One possible option is for you to file a fiancé visa petition for him. American citizens can file a fiancé/e visa immigrationequality.org/issues/transgender/fiancee-visas-procedural-steps/ petition for a partner

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overseas with whom he or she has a committed relationship. The couple must marry within 90 days of the foreign partner's entry into the United States. Once married, the American citizen spouse can file a marriage-based petition for the foreign spouse.

If your partner is able to travel to the United States as a tourist, another possibility would be for him to come to the U.S. as a tourist, marry, and then return to his home country and go through consular processing there. Different consulates have different backlogs in different categories; consult with an immigration attorney to decide which option would be fastest and most appropriate.

I live in the United States in a marriage equality state and my partner lives abroad in a country where same-sex couples are unable to marry. He has never been able to get a visa to the United States, and we are not married. What do I do now?

As with the previous answer, you should be able to file a fiancé visa petition for him. Since he cannot travel to the United States another way, this may be your only option to bring him to the U.S. You may also be able to marry in a third country that has marriage equality if you and your partner can travel to another marriage equality country. He then could apply for lawful permanent residence through consular processing.

I live in a state that does not have marriage equality, and my partner lives abroad in a country where same-sex couples are unable to marry. She has never been able to get a visa to the United States, and we are not married. What do I do now?

As with the previous answer, you should be able to file a fiancée visa petition for her. However, since the state in which you reside would not allow a same-sex couple to celebrate a marriage, you would have to submit evidence with your fiancée petition that indicates you plan to marry in a marriage equality state. This is the approach that USCIS has taken www.immigrationequality.org/wp-content/uploads/2012/04/USCIS-guidance-Transgender-FINAL.pdf for fiancé/e visas where one spouse is transgender, which is another area of marriage law where different states have different rules. Another option is that you may be able to marry in a third country that has marriage equality if you and your partner can travel to another marriage equality country and then she could apply for lawful permanent residence through consular processing.

MY PARTNER AND I ARE IN EXILE – LIVING TOGETHER OUTSIDE OF THE UNITED STATES

Since my spouse was not able to find a permanent immigration solution in the U.S., we relocated abroad, where we have lived for many years. What do we need to do now to relocate to the U.S.?

To file a marriage-based green card application, the U.S. citizen spouse generally must reside, or submit proof of an intention to reside, in the U.S. If the U.S. citizen spouse lives abroad, part of the application packet should be a letter describing his or her intent to establish a residence in the U.S.

Since my spouse was not able to find a permanent immigration solution in the U.S., we have been living abroad for many years. We are not yet ready to move back to the U.S., but I want to do what I can to establish his right to live there. Can I file for my spouse from abroad if we don't intend to live in the U.S.?

No, once an individual applies for lawful permanent residence in the U.S., he or she must actually live here. In fact, a green card holder who moves abroad for an extended period of time can lose his or her right to return to the U.S. You should wait until you are ready to actually live in the U.S. to file an application for lawful permanent residence.

OTHER ISSUES

I am the foreign national spouse of a U.S. citizen and am HIV-positive. Can my spouse still sponsor me for a green card?

Yes. The U.S. ban on immigration for people with HIV/AIDS ended in January 2010. When you take the medical examination as part of the green card application process you will not be tested for HIV. However, the doctor can ask questions about your overall health and medications you are taking, and you should answer honestly. USCIS can take your health into consideration as one factor in determining whether you are "likely to become a public charge," that is, likely to need public assistance or social security disability benefits. Simply being HIV-positive, however, is not a reason to deny an application for lawful permanent residence, especially if you have a work history.

My foreign national spouse has a child who was born abroad. Can I also file a green card application for her child when I file for my spouse?

You should be able to. Under current law, a U.S. citizen can petition for the minor children of a foreign spouse once a step-parent/step-child relationship has been formed.

I am a lawful permanent resident of the U.S. – I have a green card, but I am not a citizen. Can I sponsor my foreign national spouse for a green card?

Lawful permanent residents can sponsor a spouse for immigration benefits, but under current U.S. law as it applies to all married couples, your spouse would not qualify as an "immediate relative," but rather would fall under the "family preference system" www.travel.state.gov/visa/bulletin/bulletin_5953.html in category F2A. That means that rather than filing the application for an immigrant visa (I-130) and the application for lawful permanent residence (I-485) simultaneously, you would first have to file the I-130, and then wait for the visa to be current. Presently, there is about a two year wait before she would be able to apply for permanent residence. However, if you become a citizen while she is "in line" to file for permanent residence, she could immediately file for the green card once you are naturalized.

Individuals who fall under the family preference system and wish to apply to adjust status from within the U.S. must be in lawful status and must not have accrued any unlawful presence here. This is different than the rule for spouses of U.S. citizens, who can apply to adjust status even if they are here unlawfully, as long as they entered with inspection.

Also, unlike U.S. citizens, lawful permanent residents cannot sponsor a fiancé/e for a fiancé/e visa, though it may be possible to marry in a third country and go through consular processing for a green card after the marriage.

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How soon after I get residence can I apply to become a U.S. citizen?

While the general rule is that an individual must be a lawful permanent resident for five years before applying to become a citizen, spouses of U.S. citizens can apply three years after obtaining their green card, provided they remain married and living together as a couple.

WILL THINGS WE SAID OR DID IN THE PAST AFFECT OUR FUTURE APPLICATION?

I have been in the U.S. for three years on a student visa. I live with my partner and he provides financial support for me, but I have always indicated on my immigration papers that he is a "family friend." Will the fact that I never disclosed that he's my partner before make it harder for him to sponsor me for a green card now?

The answer to this may depend on the specific facts of your case. We are advocating that USCIS take a fair and reasonable approach to issues such as this, given the systemic discrimination that LGBT families have faced under U.S. law. If you have any fear that USCIS could find fraud in your case, you should consult with an immigration attorney before filing your application.

INFORMATION FOR DUAL FOREIGN NATIONAL COUPLES

My spouse and I are both citizens of a foreign country. I have been offered a skilled worker visa (for example an H-1B) to work in the U.S. Can my spouse come with me while I'm in the U.S.?

Yes, she will qualify for an H-4 "derivative" visa, which means your spouse can accompany you for the duration of your visa. However, as with different-sex spouses, your spouse will not be entitled to work while in the U.S.

Where can I get more information?

The Immigration Equality website immigrationequality.org/ has a great deal of general information on U.S. immigration law and its application to LGBT people. If the website does not answer your question, you may submit an inquiry immigrationequality.org/contact-us/ online to the Immigration Equality legal staff. You can also consult with the legal organizations below.



FOR MORE INFORMATION, CONTACT

IMMIGRATION EQUALITY

immigrationequality.org

NATIONAL CENTER FOR LESBIAN RIGHTS

nclrights.org

AMERICAN CIVIL LIBERTIES UNION

aclu.org/lgbt

GAY & LESBIAN ADVOCATES & DEFENDERS

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Implementation of the Supreme Court Ruling on the Defense of Marriage Act

Statement from Secretary of Homeland Security Janet Napolitano:

"After last week's decision by the Supreme Court holding that Section 3 of the Defense of Marriage Act (DOMA) is unconstitutional, President Obama directed federal departments to ensure the decision and its implication for federal benefits for same-sex legally married couples are implemented swiftly and smoothly. To that end, effective immediately, I have directed U.S. Citizenship and Immigration Services (USCIS) to review immigration visa petitions filed on behalf of a same-sex spouse in the same manner as those filed on behalf of an opposite-sex spouse."

Frequently Asked Questions

Q1: I am a U.S. citizen or lawful permanent resident in a same-sex marriage to a foreign national. Can I now sponsor my spouse for a family-based immigrant visa?

A1: Yes, you can file the petition. You may file a Form I-130 (and any applicable accompanying application). Your eligibility to petition for your spouse, and your spouse's admissibility as an immigrant at the immigration visa application or adjustment of status stage, will be determined according to applicable immigration law and will not be automatically denied as a result of the same-sex nature of your marriage.

Q2: My spouse and I were married in a U.S. state that recognizes same-sex marriage, but we live in a state that does not. Can I file an immigrant visa petition for my spouse?

A2: Yes, you can file the petition. In evaluating the petition, as a general matter, USCIS looks to the law of the place where the marriage took place when determining whether it is valid for immigration law purposes. That general rule is subject to some limited exceptions under which federal immigration agencies historically have considered the law of the state of residence in addition to the law of the state of celebration of the marriage. Whether those exceptions apply may depend on individual, fact-specific circumstances. If necessary, we may provide further guidance on this question going forward.

What's New

[Statement by Deputy Press Secretary Marsha Catron on Acting Secretary Beers' Upcoming Trip to Texas and Mexico](#)
September 17, 2013

[Acting Secretary Beers Participates in Special Naturalization Ceremony](#) September 17, 2013

[Secretary Napolitano Participates in Naturalization Ceremony in New York City](#) August 23, 2013

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PRACTICE ADVISORY¹

**IMMIGRATION BENEFITS AND PITFALLS FOR LGBT
FAMILIES IN A POST-DOMA WORLD**

August 5, 2013

INTRODUCTION

On June 26, 2013, the U.S. Supreme Court issued a landmark decision in *United States v. Windsor*, holding that Section 3 of the Defense of Marriage Act (DOMA) is unconstitutional. See *United States v. Windsor*, No. 12-307, 570 U.S. ___, 2013 WL 3196928 (June 26, 2013) (striking 1 U.S.C. § 7). When DOMA was enacted by Congress and signed into law by President Clinton in 1996, no state or country in the world permitted same-sex couples to marry. Over the last decade, after Canada, Massachusetts, and then other jurisdictions began to allow lesbian and gay couples to marry, the impact of DOMA became more concrete. Section 3 of DOMA was the only impediment to filing applications for lawful permanent residence for noncitizen spouses.² There are an estimated 36,000 lesbian and gay binational couples who have been affected by DOMA.³ In finding that “no legitimate purpose overcomes [DOMA’s] purpose and effect to disparage and to injure those whom the State, by its marriage laws, sought to protect in personhood and dignity,” the Supreme Court ended this chapter of institutional discrimination.

The immigration agencies have begun the task of implementing the *Windsor* decision. As practitioners and advocates, we are working to minimize delay and unnecessary hurdles in order to ensure that noncitizens in same-sex marriages are afforded the same immigration benefits as all other couples. This practice advisory highlights some of the issues LGBT families will face

¹ Copyright (c) 2013 American Immigration Council and Immigration Equality. [Click here](#) for information on reprinting this practice advisory. This Practice Advisory is intended for lawyers and is not a substitute for independent legal advice supplied by a lawyer familiar with a client’s case. The authors of this Practice Advisory are Victoria Neilson, Beth Werlin, and Mary Kenney. We are grateful to Betsy Lawrence for her valuable input and edits.

² As of this writing, there are thirteen marriage equality states plus the District of Columbia, and over a dozen countries with marriage equality. The states are California, Connecticut, Delaware, Iowa, Maine, Massachusetts, Maryland, Minnesota, New Hampshire, New York, Rhode Island, Vermont, and Washington. For a list of marriage equality states and countries and documentary requirements to marry, see Immigration Equality, “Where Can We Marry?” available at <http://immigrationequality.org/issues/couples-and-families/where-can-we-marry/>

³ See Family, Unvalued: Discrimination, Denial, and the Fate of Binational Same-Sex Couples under U.S. Law, by Human Rights Watch and Immigration Equality, 2006, available at <http://www.hrw.org/sites/default/files/reports/FamilyUnvalued.pdf>

in a post-DOMA world. It is not intended to provide exhaustive guidance on all marriage-related immigration issues. We encourage practitioners to contact Immigration Equality and the American Immigration Council at vneilson@immigrationequality.org or clearinghouse@immcouncil.org about problems they encounter, as this will inform ongoing advocacy.

***Windsor* and the Immediate Response of Immigration Agencies**

In *United States v. Windsor*, the Supreme Court struck down Section 3 of DOMA, which defines the term “marriage” as a union between a man and a woman for purposes of all federal statutes and federal agency regulations and rulings. The immigration agencies relied upon this provision to deny immigration benefits to noncitizens in valid same-sex marriages with United States citizens (USC) or lawful permanent residents (LPR). Although *Windsor* involved federal estate taxes rather than immigration benefits, the Court’s holding applies broadly to all federal programs impacted by DOMA. In finding that DOMA violated the equal protection clause of the Fifth Amendment to the U.S. Constitution, the Court explained, “DOMA’s principal effect is to identify a subset of state-sanctioned marriages and make them unequal.” Slip Op. at 22.

Shortly after issuance of the decision, Department of Homeland Security (DHS) Secretary Janet Napolitano stated that DHS would take steps to implement the ruling and ensure that “all married couples will be treated equally and fairly.” Subsequently, U.S. Citizenship and Immigration Services (USCIS) released a “Frequently Asked Questions” (FAQ) (discussed in more detail in § I.B, *infra*) and has begun approving visa petitions filed on behalf of noncitizens by their USC spouses. And on July 26, 2013, USCIS expanded on the initial FAQ with a new webpage entitled “Same-Sex Marriages.” (Same-Sex Marriage Guidance). Among other things, this guidance sets forth procedures for reopening visa petitions that USCIS denied solely based on Section 3 of DOMA prior to *Windsor*. See § II.B, *infra*.

The Department of State (DOS) also weighed in early on, asserting, “We recognize the significance of this decision for affected families, and we are working to interpret the decision and implement policy and procedural changes as soon as possible.” On August 2, 2013, DOS posted “FAQs for Post-Defense of Marriage Act” (DOS FAQs). The DOS FAQs state that “[e]ffective immediately, U.S. embassies and consulates will adjudicate visa applications that are based on a same-sex marriage in the same way that we adjudicate applications for opposite gender spouses.” DOS concurrently issued internal guidance entitled, “Next Steps on DOMA – Guidance for Posts” (DOS Guidance for Posts), which expands on some of the issues addressed in the DOS FAQs.

Perhaps most significantly, on July 17, 2013, the Board of Immigration Appeals (BIA or Board) – whose decisions are binding on all DHS officers and employees and immigration judges, 8 C.F.R. § 1003.1(g) – issued its first post-*Windsor* published decision. *Matter of Zeleniak*, 26 I&N Dec. 158 (BIA 2013). The BIA stated, “The Supreme Court’s ruling in *Windsor* has therefore removed section 3 of the DOMA as an impediment to the recognition of lawful same-sex marriage and spouses if the marriage is valid under the laws of the State where it was celebrated.” *Matter of Zeleniak*, 26 I&N Dec. at 159.

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I. ESTABLISHING A MARRIAGE

A. Marriage and Immigration Law

There are a number of immigration benefits and forms of relief from removal that depend on the existence of a valid marriage. Thus, the validity of a marriage can be an issue in an affirmative application for an immigration benefit filed with USCIS or DOS or in an application for relief from removal filed with an immigration judge (IJ). The following are examples of immigration benefits and forms of relief that are dependent on the existence of a marriage.

- Adjustment of status or consular processing based on a family-based visa petition
- Adjustment of status or consular processing based on being a derivative of a beneficiary of a visa petition (family-based or employment-based)
- Cancellation of removal requiring a qualifying relative
- Waivers that require a qualifying relative (such as § 212(h), § 212(i) and unlawful presence waivers)
- Derivative beneficiary of an asylum application
- Derivative beneficiary of a nonimmigrant visa
- Fiancé/e petition
- VAWA self-petition

In *Matter of Zeleniak*, the BIA explicitly recognized the broad range of INA provisions affected by *Windsor*. 26 I&N Dec. at 159 (noting that Supreme Court's ruling impacts the benefits and forms of relief listed above).

B. Place of Celebration Rule

With 13 U.S. states plus the District of Columbia offering LGBT families marriage equality, one of the most immediate questions is whether the couple has to live in a marriage equality state in order to apply for immigration benefits. The most straightforward scenario is one in which a couple was married in and resides in a state with marriage equality, such as Vermont. But what happens if the couple that married in Vermont lives in Florida at the time the visa petition is filed and adjudicated? When evaluating the validity of a marriage for immigration purposes, DHS generally employs a place of celebration rule. Under this rule, "the validity of a marriage is determined by the law of the State where the marriage was celebrated." *Matter of Lovo-Lara*, 23 I&N Dec. 746, 753 (BIA 2005). The BIA recently affirmed this rule in *Matter of Zeleniak*, 26 I&N Dec. at 160 (citing *Matter of Lovo-Lara*). In the example above, because the marriage was validly celebrated in Vermont, and assuming it is otherwise bona fide, it should not matter that the couple could not have married in Florida, their subsequent state of domicile.

In its [FAQ](#) issued after *Windsor*, USCIS affirmed that this is its general policy, but clouded the issue by stating that there were "some limited exceptions under which immigration agencies have historically considered the law of the state of residence in addition to the law of the state of celebration of the marriage." See "[DHS Issues Guidance on DOMA Implementation](#)," AILA InfoNet Doc. #13070240. The longer [Same-Sex Marriage Guidance](#) initially included the same ambiguous language, but significantly, on August, 2, 2013, USCIS removed the reference to

“exceptions” to the place of celebration rule.⁴ Furthermore, the BIA’s decision in *Matter of Zeleniak* does not indicate any exceptions to this rule. The DOS Guidance for Posts goes further and states explicitly, “The same-sex marriage is valid even if the applicant is applying in a country in which same-sex marriage is illegal.”

It is notable that the first reported gay married couple to receive an approved visa petition reside in Florida and married in New York.⁵ And, the first I-485 was approved for a Colorado lesbian couple who married in Iowa.⁶ In both instances, the couple married in a marriage equality state but lived in a state with a constitutional amendment banning same-sex marriage. The couple in *Zeleniak* married in Vermont and resided in New Jersey, a state that offers civil unions but not full marriage equality. If you have a case in which this issue is raised, please contact Immigration Equality or the American Immigration Council at vneilson@immigrationequality.org or clearinghouse@immcouncil.org.

C. Requirements to Marry in Marriage Equality States and Countries

Since many people live in states and countries that do not have marriage equality, practitioners may get questions about where couples can marry. Importantly, none of the U.S. marriage equality states has a residence requirement, though in some states there may be a wait of a few days between obtaining a license and performing a ceremony. However, if a couple lives in a state that does not recognize their marriage, they may be unable to divorce there, and many marriage equality states do have residence requirements in order to divorce. Some countries have residence requirements to marry or allow a couple to marry only if at least one spouse is a citizen of the country.⁷

D. Proving Bona Fides

All couples who seek to have one spouse immigrate on the basis of their marriage must demonstrate that the marriage is bona fide; that is, that it was not entered into for the sole purpose of evading the immigration laws. The petitioner has the burden of showing – by a preponderance of the evidence – that the marriage was entered into in good faith. *See Matter of Casillas*, 22 I&N Dec. 154, 156 (BIA 1998); *see also* INA § 291 (burden on petitioner to demonstrate eligibility for visa petition). In general, USCIS will consider whether the parties intended to establish a life together. *Matter of Laureano*, 19 I&N Dec. 1, 2-3 (BIA 1983).

⁴ The DOS FAQs state, “If your marriage is valid in the jurisdiction (U.S. state or foreign country) where it took place, it is valid for immigration purposes” and direct readers to the USCIS Same-Sex Marriage Guidance for more information.

⁵ “Gay Married Man in Florida Is Approved for Green Card,” by Julia Preston, *The New York Times*, June 30, 2013, available at http://www.nytimes.com/2013/07/01/us/gay-married-man-in-florida-is-approved-for-green-card.html?_r=0.

⁶ “HISTORY MADE! First Same-Sex Spouse Granted Green Card,” by Diane Anderson, *The Advocate*, July 4, 2013, available at <http://www.advocate.com/society/marriage-equality/2013/07/04/history-made-first-same-sex-spouse-granted-green-card>.

⁷ For further information, *see* “Where Can We Marry?” available at <http://immigrationequality.org/issues/couples-and-families/where-can-we-marry/>.

While the parties' intent at the time that they married is the issue, conduct subsequent to the marriage can be relevant to their intent at the time of marriage. *Matter of Laureano*, 19 I&N Dec. at 3 (citing *Lutwick v. United States*, 344 U.S. 604, 617 (1953)).

In different-sex marriages, evidence that is often presented to demonstrate that a marriage is bona fide includes, though it is not limited to: proof that the parties filed joint tax returns as a married couple, listed one another as beneficiaries on insurance policies, shared a bank account, were listed jointly on property leases, or owned a home together. *See, e.g., Matter of Phillis*, 15 I&N Dec. 385, 387 (BIA 1975). Other evidence that is typically submitted includes written testimony (from both the couple and family members) and pictures and other documentation of the parties' courtship, marriage, and shared experiences. *Id.* Proving that a marriage is bona fide may be more challenging for an LGBT couple than for a different-sex couple because evidence of joint assets and liabilities are often not available to them. Prior to June 26, 2013, married same-sex couples were prohibited from filing federal taxes jointly. Even post-*Windsor*, couples who do not live in marriage equality states likely will not be able to file state taxes jointly.

Significantly, no federal anti-discrimination law covers sexual orientation. While some states and localities have anti-discrimination protections, many others do not.⁸ Moreover, even in jurisdictions that do provide protections, small employers and employers with religious affiliations are often exempted. Therefore, some couples may choose not to mingle finances (e.g., add a spouse to employer-sponsored health insurance or retirement benefits, a lease or mortgage, or a bank account) for fear of facing discrimination. For couples living together abroad or where the foreign spouse lives abroad, the fear of being "outed" may be even greater, especially if the foreign spouse lives in a country where LGBT people face persecution and possible criminal penalties.

In addition to added challenges in showing intermingled finances, it may be more difficult to provide extrinsic evidence of courtship and emotional ties. Some couples may choose not to be open about their relationship with family members who may disown an LGBT child or even become violent. Thus, the couple may not be able to provide photos of themselves taken with their extended families or have proof of a public wedding celebration.

E. Marriage Fraud and Related Provisions

The INA includes several marriage fraud and related provisions, any one of which could impact the adjudication of a visa petition that is premised upon a same sex-marriage. Same-sex marriages will be scrutinized by USCIS to the same degree as different-sex marriages. Moreover, while at least one issue discussed below may not be of concern immediately, all of these issues eventually will be relevant to same-sex marriages.

⁸ See Lambda Legal, "In Your State," for a breakdown of anti-discrimination laws, available at <http://www.lambdalegal.org/states-regions/?gclid=CLXI4cWaqrgCFcyj4Aod-DkAdA>.

- **INA § 204(c).** Under this provision, an individual who is determined to have engaged in marriage fraud will be barred from receiving a visa on any basis in the future.⁹ Marriage fraud under the statute is broadly defined. It includes marriages (or attempts or conspiracies to marry) that the government finds were entered into for the purpose of evading the immigration laws whether or not the parties applied for and/or were granted a visa petition. INA § 204(c)(1), (2).¹⁰ USCIS must have substantial and probative evidence that the noncitizen committed, attempted to commit, or conspired to commit marriage fraud and must make an independent decision based upon the evidence in the record. *Matter of Tawfik*, 20 I&N Dec. at 167. The petitioner should be afforded an opportunity to review all derogatory information and documents considered by the agency, as well as an opportunity to rebut the derogatory evidence and to present evidence in support of the visa petition prior to the issuance of the adverse decision. 8 C.F.R. § 103.2(b)(16)(i), (ii).

In adjudicating a petition based on a same-sex marriage, a prior petition based on a different-sex marriage might be cause for USCIS to suspect marriage fraud with respect to the prior marriage. Note that there is a difference between failing to produce evidence of a bona fide marriage and a sham marriage. Compare 8 C.F.R. §§ 204.2(a)(1)(iii)(B) with 204.2(a)(1)(ii). There are many reasons that people marry. For example, the beneficiary may be bisexual; the beneficiary may not have identified as lesbian or gay at the time of the marriage (and may have “come out” later in life); the beneficiary may have wanted to combat the fears of family or community members about his sexual orientation. None of these reasons would support a finding that the prior marriage was fraudulent, nor should they lead to a finding that the *current* marriage is not bona fide. However, it is important for practitioners to explore fully the factual reasons for the prior marriage and to prepare the applicant to explain the marriage. In some instances, it may be helpful to submit an affidavit from an expert, such as a mental health counselor or religious advisor, who may have helped the applicant sort through coming out issues.

- **204(g), restriction where marriages entered into while in removal proceedings.** In general, a visa petition filed by a USC or LPR for a spouse based upon a marriage entered into while the beneficiary was in removal proceedings may not be approved until the beneficiary has lived outside of the United States for two years, beginning on the date of the marriage. INA § 204(g). A person is considered to be in removal proceedings during both administrative and judicial appeals of the proceedings. INA §§ 204(g), 245(e)(2). Additionally, a person is considered to be in removal proceedings when such proceedings are administratively closed. See *Matter of Munoz-Santos*, 20 I&N Dec. 205, 207 (BIA

⁹ Note that there also are criminal penalties for knowingly engaging in marriage fraud for the purpose of evading any provision of the immigration laws. INA § 275(c). This practice advisory addresses only the civil immigration-related aspects of marriage fraud.

¹⁰ See also *Matter of Tawfik*, 20 I&N Dec. 166, 167 (BIA 1990) (explaining that where marriage fraud is found, “the district director must deny any subsequent visa petition for immigrant classification filed on behalf of such alien, regardless of whether the alien received a benefit through the attempt or conspiracy”).

1990) (describing administrative closure as an “administrative convenience” that does not result in a final deportation order).

A major exception to this restriction is for bona fide marriages. *See* INA § 245(e)(3).¹¹ To satisfy the bona fide marriage exception, the beneficiary must demonstrate by clear and convincing evidence that he married in good faith, in accordance with the laws of the place of celebration, did not marry to procure admission as an immigrant, and did not marry as a result of a financial arrangement. *Id.* The regulations set forth the procedure to be followed and evidence required to establish the bona fide marriage exemption. 8 C.F.R. § 204.2(a)(1)(iii).

Because, up until the *Windsor* decision, same-sex marriages were not recognized under immigration law, a noncitizen would not have entered such a marriage for the purpose of procuring an immigration benefit and thus should not have a problem establishing that the marriage was entered into in good faith. Thus, § 204(g) should not present a problem for couples whose marriages predate *Windsor*. However, with respect to same-sex marriages entered into after *Windsor*, USCIS likely will consider this issue as seriously as it does for different-sex marriages.

- **212(a)(6)(C), Prior Misrepresentation.**

Any noncitizen who, by fraud or willfully misrepresenting a material fact, seeks, has sought, or has procured any benefit under the INA is inadmissible. INA § 212(a)(6)(C)(i). A defense to this ground of inadmissibility is that the statement was not a knowing and deliberate misrepresentation. *See, e.g., Matter of Healy and Goodchild*, 17 I&N Dec. 22 (BIA 1979) (recognizing that a noncitizen must know that the statement is false); *Espinoza-Espinoza v. INS*, 554 F.2d 921, 925 (9th Cir. 1977) (requiring that the statement must be made with knowledge of its falsity). Even if a person is found subject to § 212(a)(6)(C), he may apply for a discretionary “fraud waiver” under INA § 212(i) if he: 1) is the spouse or son or daughter of a USC or an LPR; and 2) can demonstrate that the denial of admission would result in extreme hardship to this relative.

In the past, lesbian and gay binational couples were in the uniquely disadvantaged position of having their relationships recognized for the purpose of finding immigrant intent under INA § 214(b)¹² and having nonimmigrant visa applications – such as student or visitor visas – denied for this reason, but not recognized for the purpose of granting benefits. As a result, couples may have been less than forthcoming about the nature of their relationship when interacting with DHS or DOS. For example, a noncitizen may have indicated that his financial sponsor for a student visa was a family friend, when he

¹¹ Note that the restriction and exemption applicable to visa petitions also apply to adjustment of status applications. *Id.*; *see also* 8 C.F.R. § 245.1(c)(8).

¹² INA § 214(b) states that, with only limited exceptions, applicants for nonimmigrant visas will be presumed to be immigrants until they demonstrate to the satisfaction of both the consular officer, at the time of their visa application, and the immigration officer, at the time of admission, their nonimmigrant intent.

was actually a partner or husband. It is unclear how the agencies will handle these situations. We are hopeful that DHS and DOS will take a reasonable approach given the systematic and unconstitutional discrimination that such couples faced.

One issue that arose frequently before *Windsor* was whether a noncitizen in a marriage with a same-sex partner should answer “married” or “single” on agency forms. This question was posed to USCIS in a listening session and the agency response was “USCIS is looking into this issue and will provide a response as soon as possible.”¹³ Since USCIS never answered this question definitively, it seems unlikely either answer – “single” or “married” – would be considered a misrepresentation.

F. Marriages Where a Spouse Is Transgender

Windsor also has implications for couples where one spouse is transgender. In April 2012, USCIS issued guidance on adjudicating marriage-based petitions where a spouse or fiancé/e is transgender. See “Adjudication of Immigration Benefits for Transgender Individuals,” AILA InfoNet Doc. No. 12041360. USCIS took the position that a transgender person would be considered her affirmed gender as long as she had either amended identity documents or obtained a medical certification from a doctor affirming gender. This guidance went a long way towards clarifying USCIS policies and allowing many transgender individuals to benefit from marriage-based petitions. Nonetheless, while DOMA was in effect, USCIS did not recognize marriages involving a transgender spouse where the transgender individual was unable to provide documentary or medical evidence of gender transition.

Post *Windsor*, a couple may file a marriage-based petition or fiancé/e visa even if the transgender person cannot meet the requirements of the USCIS transgender guidance. For example, a transgender woman in the Philippines who has taken few or no medical steps to transition to female likely would not be able to obtain a medical certification that she is female. However, her USC partner could file a fiancé/e visa even if the couple is legally viewed as same-sex. It is advisable for the attorney to refer to the couple in a way that respects the self-identification of the couple, but explains their legal rights under current guidance. An appropriate explanation may be: “I represent a U.S. citizen male in a long-term relationship with a transgender woman from the Philippines. Because she has not taken steps to medically transition to female, it is my understanding that USCIS will view this relationship as same-sex.” Such a framing will alert USCIS to the legal standard while also respecting the fact that the couple may not view themselves as same-sex. The couple then can proceed with their application as a same-sex couple would. Note, however, that USCIS’s guidance indicates that the transgender spouse will not be provided identity documents in the affirmed gender unless she provides appropriate legal or medical documentation.

¹³ USCIS “Listening Session -- LGBT Community” Questions and Answers, June 9, 2010, available at <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=5a87338dc3d19210VgnVCM100000082ca60aRCRD&vgnnextchannel=994f81c52aa38210VgnVCM100000082ca60aRCRD>.

G. Civil Unions

One significant unanswered question is whether couples who have entered into civil unions, registered partnerships, or similar non-marital relationship recognition will be afforded full marriage benefits under immigration law. In fact, in the 2011 Attorney General decision *Matter of Dorman*, 25 I&N Dec. 485, 485 (A.G. 2011), one of the questions posed to the Board of Immigration Appeals was, “whether respondent’s same-sex partnership or civil union qualifies him to be considered a ‘spouse’ under New Jersey law.”¹⁴

The DOS FAQs indicate that the agency will not treat civil unions as marriages. The guidance provides:

Q: I am in a civil union or domestic partnership; will this be treated the same as a marriage?

A: At this time, only a relationship legally considered to be a marriage in the jurisdiction where it took place establishes eligibility as a spouse for immigration purposes.

To date, DHS has not addressed this issue in its guidance. It is unclear if USCIS’s adjudication of applications based on non-marital relationship recognition will be different from DOS’s adjudication, given the somewhat different contexts in which the agencies will confront the issue. Moreover, given DOS’s inclusion of temporal language– “at this time”– in its guidance, it is possible that the agency may be considering the issue further. Nonetheless, if a couple that currently has a civil union can marry relatively easily, doing so will allow them to file an application with far more certainty than an application based on a civil union.

There are circumstances, however, where a couple may have a civil union but be unable to marry now. For example, the authors are aware of the following scenarios:

Case 1: A couple has entered into a New Jersey civil union. The noncitizen partner applies for asylum; the application is denied, and he is removed from the United States. He is not eligible for a waiver to return to the United States unless his USC partner is considered a qualifying relative.

Case 2: A lesbian couple had a child together in Australia. At the time the noncitizen partner gave birth, the two had been joined in a Vermont civil union. The couple later moved to the United States and the foreign partner died. If the child is considered a “step-child,” then the USC can petition for her. If not, she may be unable to obtain permanent residency because the child’s Australian grandparent is opposed to an adoption.

There is support for the argument that the immigration agencies should consider a civil union as the functional equivalent of a marriage. The Foreign Affairs Manual recognizes common law marriages, but only if they are the full legal equivalent of marriage:

¹⁴ The BIA has yet to rule on this issue in *Matter of Dorman* or in any published decision.

In the absence of a marriage certificate, an official verification, or a legal brief verifying full marital rights, a common law marriage or cohabitation is considered to be a “valid marriage” for purposes of administering the U.S. immigration law only if:

- (1) It bestows all of the same legal rights and duties possessed by partners in a lawfully contracted marriage; and
- (2) Local laws recognize such cohabitation as being fully equivalent in every respect to a traditional legal marriage, e.g.:
 - (a) The relationship can only be terminated by divorce;
 - (b) There is a potential right to alimony;
 - (c) There is a right to intestate distribution of an estate; and
 - (d) There is a right of custody, if there are children.

9 FAM 40.1 N1.2 Cohabitation, (CT:VISA-1614; 01-07-2011), available at <http://www.state.gov/documents/organization/86920.pdf>. Thus, the argument that a civil union is the equivalent of a marriage likely would be dependent on the specific rules governing the rights and obligations imposed under the law of the state or country that granted the civil union status.

Regardless of whether DHS and DOS accept civil unions for marriage-based benefits under the INA, there may be arguments that that children of the relationship qualify as step-children if the laws of the state or country that celebrated the civil union bestow parental rights.

II. APPLYING FOR BENEFITS

A. When Can Couples File?

The short answer is now. Within a week of the ruling, Secretary Napolitano issued a statement “direct[ing] U.S. Citizenship and Immigration Services (USCIS) to review immigration visa petitions filed on behalf of a same-sex spouse in the same manner as those filed on behalf of an opposite-sex spouse” effective immediately. The Same-Sex Marriage Guidance confirms that applications can be filed now and that there is no need to wait for further regulations, forms or guidance. As discussed above, already, USCIS has approved I-130s and adjustment of status applications. Likewise, the DOS FAQs provide that “effective immediately, U.S. embassies and consulates will adjudicate visa applications that are based on a same-sex marriage in the same way that we adjudicate applications for opposite gender spouses.” The only reason to delay filing is if there are complex legal questions and the practitioner wants to wait for further DHS and/or DOS guidance.

B. Previously Denied Visas

Before *Windsor*, some USCIs filed I-130s on behalf of their same-sex spouses. While some of these petitions remained pending on the date the Supreme Court issued *Windsor*, others had been

denied. For those that are still pending, USCIS now is adjudicating them. The authors also are aware of several previously denied I-130s being reopened by USCIS.

Moreover, the Same-Sex Marriage Guidance specifies that USCIS will reopen cases it denied solely because of Section 3 of DOMA after February 23, 2011, the date that DOJ stopped defending DOMA in Court. The agency will “make a concerted effort” to identify the petitions and notify the petitioner, at the last known address, of reopening and request updated information in support of the application. Any related application, “such as a concurrently filed I-485,” also will be reopened. In addition, any person with an I-130 that was denied because of DOMA, regardless of the date of the denial (including those denied prior to February 23, 2011), can contact USCIS directly at USCIS-626@uscis.dhs.gov. However, if the I-130 was denied before February 23, 2011 (when USCIS began to keep a list of denials), then he or she must notify USCIS before **March 31, 2014** at USCIS-626@uscis.dhs.gov to request reopening. No fee will be required to reopen any of these applications.

The Same-Sex Marriage Guidance also provides information about employment authorization that previously was denied or revoked. Where USCIS cannot immediately make a decision on a reopened adjustment of status application, it will “(1) immediately process any pending or denied application for employment authorization or (2) reopen and approve any previously revoked application for employment authorization.” If the applicant has not yet had biometrics taken, he or she will be scheduled for an appointment, and if he or she has had biometrics taken, the EAD can issue without further action by the applicant.

The Same-Sex Marriage Guidance further specifies that applicants for other types of benefits, besides I-130s, who were denied due to DOMA, can contact the agency at USCIS-626@uscis.dhs.gov. The Guidance does not specify what these other benefits may be, but as discussed in this advisory, they could include: fiancé/e visas; derivative benefits; step-parent/child petitions; and follow to join petitions.

There may still be some instances when an individual may prefer to file a new I-130 and I-485 rather than wait for reopening. The Guidance clarifies that applications can be filed anew, but that the applicable fees would then apply.

C. Unlawful Presence and Waivers

In most cases, individuals who entered the United States without being admitted or paroled are not eligible to adjust status, regardless of whether they are married to a USC. INA § 245(a). Likewise, individuals, other than immediate relatives (i.e., spouses or minor children of USCs or parents of adult USCs), who entered lawfully but overstayed their visas are not eligible to adjust status. INA § 245(c)(2). These individuals must leave the United States and pursue an immigrant visa through consular processing. However, because many of these individuals will have accrued unlawful presence, departing the United States will likely trigger the 3 or 10 year bar to admissibility. INA § 212(a)(9)(B) (3 year bar if unlawfully present for more than 180 days but less than one year, and 10 year bar if unlawfully present for more than one year).

There are waivers available for spouses of USCIs and LPRs who can show that refusal of admission of the immigrant would result in extreme hardship to the immigrant's USC or LPR spouse or parent. INA § 212(a)(9)(B)(v). Until recently, the only way to obtain an unlawful presence waiver was to apply from outside the United States in the course of consular processing. As a result, families would be separated for extended periods of time, often well over a year, while USCIS considered the waiver application. However, a new rule, effective March 4, 2013, permits immediate relatives of USCIs (but not LPRs) to request a provisional unlawful presence waiver prior to travelling abroad for consular processing. *Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives*, 78 Fed. Reg. 536 (Jan. 3, 2013). For more information about provisional waivers, see AILA InfoNet Featured Topic entitled, "Provisional (Stateside) Waivers," available at <http://www.aila.org/Issues/Issue.aspx?docid=38225>.

To qualify for a waiver of unlawful presence, the applicant must demonstrate extreme hardship to his USC spouse or parent.¹⁵ Like other waivers, hardship to a USC spouse or parent may include evidence of age, family ties in the United States (and lack of ties abroad), length of time spent in the United States, health/medical conditions, economic and financial conditions, etc. In addition, hardship for lesbian and gay married couples may be bolstered by evidence similar to that submitted in asylum applications if there are reports of persecution or extreme discrimination against LGBT people in the noncitizen spouse's home country.

D. Concerns with Consular Processing

A noncitizen spouse who is not in the United States can apply for lawful permanent residence through consular processing. However, in some countries, this may create a significant threat to the safety of the foreign national. According to a report issued by the United Nations in November 2011, there are 76 countries that criminalize homosexuality.¹⁶ The Department of State also has acknowledged the dangers that LGBT American travelers may face in certain countries, including, "fines, deportation, flogging, or even [death] sentence[s]."¹⁷

Immigration Equality and AILA have expressed concerns to DOS about the safety of individuals seeking to consular process in countries where they could face criminal prosecution. They have asked DOS to protect the identities of LGBT applicants for marriage-based benefits and to take additional steps to ensure applicants' safety and confidentiality. Moreover, they have asked DOS to allow some same-sex fiancé/es or spouses to utilize third country processing, if the circumstances in the home country are unusually dangerous.

¹⁵ The *Same-Sex Marriage Guidance* specifies that "same-sex marriages will be treated exactly the same as opposite-sex marriages" for purposes of waivers.

¹⁶ "Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity," Report of the United Nations High Commissioner for Human Rights, November 17, 2011, at 13, available at http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.41_English.pdf.

¹⁷ See LGBT Travel Information, April 9, 2013, available at http://travel.state.gov/travel/cis_pa_tw/lgbt/lgbt_5887.html.

Until DOS issues guidance on how it will ensure the safety of applicants in dangerous countries, practitioners are advised to alert their clients to the potential dangers. Third country processing is available and may be requested in cases where the applicant is “homeless” or where a nonresident is legally and physically present in the consular district, or if not physically present, where there are “exceptional circumstances.” 22 C.F.R. § 42.61(a); 9 FAM 42.61 N.3.1-3.2. Practitioners should reach out to the consulate before filing to discuss safety concerns or consider requesting third country processing.

III. OTHER EFFECTS OF THE SUPREME COURT’S DECISION

A. Family Preference Visas

With the end of DOMA, USCIs and LPRs may file immigrant visa petitions (Form I-130) for their spouses. Unfortunately, there also are some adverse consequences for gay and lesbian noncitizens who seek status through the family preference system.

Noncitizens with lesbian or gay spouses, who previously qualified as “unmarried sons and daughters,” of USCIs (F1) now will be considered married sons and daughters under the F3 category, which has a much longer waiting period. For example, if a USC filed an I-130 for her Dutch daughter who is married to a Dutch woman, under DOMA, the beneficiary would have fallen under the F1 category because the marriage would not have been legally recognized. With the demise of DOMA, the beneficiary now will be considered married, and she will fall into the F3 category which, under the most recent Visa Bulletin, will add another four years’ waiting time.¹⁸ The silver lining in this dark cloud is that when the beneficiary’s priority date finally does become current, she could include her spouse as a derivative on her immigrant visa application.

Noncitizens who were considered unmarried sons and daughters of LPRs (F2B) under DOMA will no longer be eligible for a family preference visa, as LPRs may not sponsor a married son or daughter. The would-be beneficiary now will have to wait for the parent to become a U.S. citizen. Of course, in either of the scenarios above, if the noncitizen is married to a USC or LPR, the USC or LPR spouse could file an I-130 on the noncitizen’s behalf.

B. Dual Foreign Nationals/Derivative Beneficiaries

In the past, dual foreign national couples (where both spouses are noncitizens), were unable to come to the United States as principal and derivative beneficiaries on the same family- or employment-based visa petition. For example, a South African engineer on an H-1B visa could not bring his husband as an H-4. Instead the noncitizen spouse was relegated to a “co-habiting B” visa, which required the spouse to prove nonimmigrant intent and maintain a foreign residence. After *Windsor*, the spouse can derive status through the primary beneficiary’s

¹⁸ DOS posts the visa bulletins at http://www.travel.state.gov/visa/bulletin/bulletin_1360.html.

nonimmigrant visa¹⁹ and obtain lawful permanent residence if the primary visa holder's employer ultimately sponsors him for permanent status. Where a Petition for Alien Worker (Form I-140) and/or Application for Adjustment of Status (Form I-485) is currently pending, practitioners should consider filing an amended I-140 or filing an application for adjustment of status for the newly acquired or recognized spouse. However, if the spouse recently entered the United States in B-2 status or other status where INA § 214(b) controls, a better course may be to return home to consular process after the principal's visa is granted to avoid an immigrant intent issue. Additional steps may be required for a newly-acquired spouse to receive follow-to-join benefits, including the need to update the I-140 as explained above and/or the need to file an Application for Action on an Approved Application or Petition (Form I-824) to request USCIS to inform the National Visa Center of the family member's future consular processing.

Practitioners also should be mindful of the fast-approaching deadline to secure an immigrant visa for winners of the 2013 Diversity Visa Lottery. Because all lottery winners must obtain their LPR status (adjustment of status approved or immigrant visa issued) by September 30, 2013, it is advisable to act quickly to amend the application. For additional information, see AILA Practice Alert, "Diversity Visa 2013 Winners and the End of the Defense of Marriage Act," AILA InfoNet Doc. No. 13071749. Moreover, the DOS Guidance for Posts specifies that winners of DV 2013 and DV 2014 may include their same-sex spouses and step-children acquired through a same-sex marriage as derivatives on their immigrant visa application even though they were not included in the initial lottery application.

C. Step-Children

With the end of DOMA, USC or LPR spouses may now petition for the biological children of their spouse as step-children. Where the couple planned to have a child together, both parents will probably see themselves as "parents," rather than "step-parents," but under the INA, a non-biological parent who is married to the child's biological parent is considered a step-parent so long as the marriage took place before the child turned 18.²⁰ INA § 101(b)(1)(B). Practitioners also should consider arguing that a step-child relationship can be formed in the context of a civil union or other non-marital relationship, provided that the law of the state or country where the union took place grants parental rights based on the relationship. See § I.G, *supra*, for a discussion of civil unions.

¹⁹ See DOS FAQs ("Starting immediately, same-sex spouses and their children are equally eligible for NIV derivative visas. Same-sex spouses and their children . . . can qualify as derivatives where the law permits issuance of the visa to a spouse or stepchild."). The DOS FAQs also confirm that documentation requirements for certain nonimmigrant visa classifications will apply to same-sex spouses and stepchildren in the same way that they apply to opposite gender spouses. For example, F-2 and M-2 applicants will need to obtain an I-20A prior to application.

²⁰ While the USCIS FAQs does not specifically address step-children, the DOS Guidance for Posts does, stating, "Stepchildren acquired through such marriages are eligible to the same extent as stepchildren acquired through opposite sex marriage. Same-sex spouses (and qualified children or stepchildren) can also qualify as dependents of employment-based categories and family-preference categories, and as follow-to-join derivatives."

D. Naturalization

Most LPRs must wait five years to apply to for naturalization. However, the spouse of a USC can apply for naturalization after three years if the couple has “been living in marital union” for three years. 8 C.F.R. § 319.1(a)(3). *See also* INA § 319(a). The Same-Sex Marriage Guidance states that for purposes of this provision, “same-sex marriages will be treated exactly the same as opposite-sex marriages.” Note that there is nothing in the statute or the regulations requiring the applicant to have obtained LPR status through a marriage-based petition in order to apply for naturalization after three years. For example, an individual who obtained LPR status subsequent to obtaining asylee status could qualify to naturalize three years after becoming a resident, as long as she was living “in marital union” with her wife for three years.

IV. NONCITIZENS WITH PENDING OR COMPLETED REMOVAL PROCEEDINGS

With section 3 of DOMA no longer an obstacle, many gay and lesbian noncitizens will be eligible to apply for relief from removal that is dependent on the existence of a marriage to a USC or LPR. As discussed above, these forms of relief include adjustment of status, cancellation of removal for nonimmigrants, waivers under INA §§ 212(h) and (i), and VAWA protection. This section offers strategies to consider for noncitizens whose removal cases are affected by the Supreme Court’s decision in *Windsor*.

A. Noncitizens with Pending Removal Cases

Individuals who are in removal proceedings before the immigration court should apply for relief in the regular course of proceedings. If the case is on appeal at the BIA, the individual may file a motion to remand to the immigration court for a hearing on the application. By filing a remand motion *before* the BIA rules on the appeal, a person preserves the statutory right to file *one* motion to reconsider and reopen, should the need later arise. Motions to remand generally are subject to the same substantive requirements as motions to reopen, and therefore the noncitizen should submit supporting evidence and applications along with the motion itself. *See Matter of Coelho*, 20 I&N Dec. 464, 471 (BIA 1992); 8 C.F.R. § 1003.23(b)(3) (setting forth substantive requirements for motion to reopen). *See also* Board of Immigration Appeals Practice Manual, § 5.8, available at <http://www.justice.gov/eoir/vll/qapracmanual/pracmanual/chap5.pdf>.

If a noncitizen is eligible for adjustment of status, he should file the visa petition (I-130) with USCIS, and, if needed, request that the IJ continue proceedings. *See* 8 C.F.R. § 1003.29 (authorizing the IJ to grant a continuance “for good cause shown”). There is a presumption that a continuance will be granted in this situation. *See Matter of Hashmi*, 24 I&N Dec. 785, 790 (BIA 2009).²¹

²¹ The Board set forth the following factors the IJ may consider in adjudicating a motion for a continuance to await the adjudication of a pending family-based visa petition: (1) the DHS response to the motion; (2) whether the underlying visa petition is *prima facie* approvable; (3) the noncitizen’s statutory eligibility for adjustment of status; (4) whether the respondent’s

If the IJ or the BIA had administratively closed the individual's case,²² she may move to recalendar the case or reinstate the appeal in order to apply for relief from removal. *See Matter of Avetisyan*, 25 I&N Dec. 688, 695 & n.5 (BIA 2012). Note that a person may choose *not* to file a motion to recalendar or reinstate if that is not in his best interest; however, DHS may move to recalendar or reinstate even if the noncitizen does not. Either party can oppose a motion to recalendar.

B. Noncitizens with Final Orders

Pending Petition for Review. A person who has a pending petition for review challenging a removal order may seek a remand from the court of appeals. If the lawyer for the Department of Justice consents to the motion to remand, it is likely that the court will grant it.

Administrative Motion to Reconsider or Reopen. Regardless of whether an individual sought judicial review, he may file a motion to reconsider and/or a motion to reopen with the BIA or the immigration court (whichever entity last had jurisdiction over the case). *See* INA §§ 240(c)(6) and (7). A motion to reconsider is used to request that the IJ or BIA correct a factual or legal error in a prior decision based on the existing record. Alternatively, a motion to reopen asks the court to reopen proceedings for consideration of new evidence. Typically, when a person is asking to apply for a form of relief that was previously unavailable (such as adjustment of status or cancellation of removal), she files a motion to reopen. *See* 8 C.F.R. § 1003.23(b)(3) (addressing motions to reopen for the purpose of applying for relief). The motion, *inter alia*, should be accompanied by an application for relief and supporting evidence. *Id.*

Keep in mind, individuals who were granted withholding of removal (for example, after having missed the one year deadline for applying for asylum) may move to reopen if they now are eligible for another form of relief. If, however, an individual was granted withholding instead of asylum because of a criminal conviction or because the applicant did not merit a favorable exercise of discretion, the practitioner should first research whether these adverse factors would render the individual ineligible for the new relief sought.

As with all cases where a motion is filed, there may be some risk that DHS will arrest and detain the individual.

Adjustment of Status with Pending Visa Petition

Even if the noncitizen does not have an approved visa petition, he still may file a motion to reopen after the visa petition (I-130) is filed on his behalf. Under BIA case law, a "properly filed" motion to reopen may be granted to adjust status if: (1) the motion is timely filed; (2) the motion is not numerically barred by the regulations; (3) the motion is not barred by *Matter of*

application for adjustment merits a favorable exercise of discretion; and (5) the reason for the continuance and other procedural factors. *Matter of Hashmi*, 24 I&N Dec. at 790.

²² IJs administratively closed many cases affected by DOMA over the past couple of years, particularly following DOJ's announcement that it no longer would defend DOMA in the courts.

Shaar, 21 I&N Dec. 541 (BIA 1996) (did not overstay an order of voluntary departure), or on any other procedural grounds; (4) the motion presents clear and convincing evidence indicating a strong likelihood that the marriage is bona fide; and (5) DHS does not oppose the motion. *Matter of Velarde-Pacheco*, 23 I&N Dec. 253 (BIA 2002). Importantly, the fifth factor – DHS’s opposition – is not dispositive. *Matter of Lamus-Pava*, 25 I&N Dec. 61, 64-65 (BIA 2009) (finding that DHS does not have “veto power” over a motion to reopen).

Dealing with the Filing Deadline

If a removal order was issued recently and the person is within the 30 or 90 day period for filing a motion to reconsider or a motion to reopen, she should try to submit the motion before the deadline. See INA §§ 240(c)(6)(B) and (c)(7)(C)(i).

If the time for filing has elapsed, individuals may be able to establish that the statutory deadline should be equitably tolled. In order to show due diligence as required by the equitable tolling doctrine, it is important to file as soon as practicable, if possible, within 30 or 90 days of *Windsor* (June 26, 2013).

DHS also may join a motion to reconsider or reopen, which would excuse the filing deadline. 8 C.F.R. § 1003.23(b)(iv). ICE has issued prosecutorial discretion guidance strongly encouraging DHS trial attorneys to join motions to reopen. Specifically, ICE provides, “[w]here a motion to reopen for adjustment of status or cancellation of removal is filed on behalf of an alien with substantial equities, no serious criminal or immigration violations, and who is eligible to be granted the relief except that the motion is beyond the 90-day limitation contained in 8 C.F.R. § 1002.23, [trial attorneys should] *strongly consider* exercising prosecutorial discretion.” William Howard, Principal Legal Advisor, ICE, “Prosecutorial Discretion” (Oct. 24, 2005) (emphasis added).

Finally, the IJ and the BIA have *sua sponte* authority to reopen at any time. See 8 C.F.R. §§ 1003.2(a) and 1003.23(b)(1). The BIA has said that an “exceptional situations” standard applies when adjudicating *sua sponte* motions. See *Matter of J-J-*, 21 I&N Dec. 976, 984 (BIA 1997). A significant development in the law constitutes an exceptional situation. See, e.g., *Matter of Muniz*, 23 I&N Dec. 207, 207-08 (BIA 2002) (reopening *sua sponte* where the Ninth Circuit interpreted the meaning of “crime of violence” differently from the BIA).

Noncitizens Who Are Outside the United States

Noncitizens outside the United States should consider whether the departure bar regulations, 8 C.F.R. §§ 1003.2(d) and 1003.23(b)(1), pose an additional obstacle to obtaining relief. Although the BIA interprets these regulations as depriving immigration judges and the BIA of jurisdiction to adjudicate post-departure motions to reopen or reconsider, see *Matter of Armendarez*, 24 I&N Dec. 646 (BIA 2008), the courts of appeals (except the First and Eighth Circuits, which have not decided the issue) have invalidated the bar.²³ If filing a motion to reconsider or reopen in the

²³ See *Luna v. Holder*, 637 F.3d 85 (2d Cir. 2011); *Prestol Espinal v. AG of the United States*, 653 F.3d 213 (3d Cir. 2011); *William v. Gonzales*, 499 F.3d 329 (4th Cir. 2007); *Carias v.*

First or Eighth Circuits, the BIA or immigration judge likely will refuse to adjudicate the motion for lack of jurisdiction based on the departure bar regulations.

It is important to note that the cases invalidating the departure bar regulation have done so by considering whether the regulation is unlawful in light of the motion to reopen or reconsider statute. Thus, it is advisable to make an argument that the motion qualifies under the motion statutes (INA §§ 240(c)(6) or 240(c)(7)), i.e., is filed within 30 or 90 days of the removal order or the filing deadline should be equitably tolled. To date, the departure bar litigation has not been successful in the *sua sponte* context. See, e.g., *Ovalles v. Holder*, 577 F.3d 288, 295-96 (5th Cir. 2009); *Zhang v. Holder*, 617 F.3d 650, 658-65 (2d Cir. 2010); *Desai v. AG of the United States*, 695 F.3d 267, 268 (3d Cir. 2012). In addition, the courts of appeals generally have held that they lack jurisdiction to review *sua sponte* motions. See, e.g., *Tamenut v. Mukasey*, 521 F.3d 1000, 1003-04 (8th Cir. 2008) (compiling cases from other circuits).

Please contact the Legal Action Center at clearinghouse@immcouncil.org for advice about cases implicating the departure bar.

C. Prosecutorial Discretion

Gay and lesbian noncitizens in long term relationships or married to USCIs or LPRs who are in removal proceedings but are not eligible for relief or who are denied relief should consider seeking prosecutorial discretion from DHS. This may include individuals who entered the United States without being admitted or paroled and thus are not eligible for adjustment of status, those who are unable to marry, and those who are unable to meet the hardship standard for cancellation of removal or a waiver.

“Prosecutorial discretion” is the authority of a law enforcement agency or officer charged with enforcing a law to decide whether to enforce the law in a particular case. A law enforcement officer who decides *not* to enforce the law against a person has *favorably* exercised prosecutorial discretion. Examples of the favorable exercise of prosecutorial discretion in the immigration context include granting a stay of removal or deferred action; deciding not to issue a Notice to Appear or canceling it before it is filed with the immigration court; or declining to appeal a favorable IJ decision. DHS also has discretion to grant deferred action in cases with strong humanitarian factors.

On October 5, 2012, ICE issued a memorandum regarding prosecutorial discretion for LGBT families. Specifically, ICE states that the “family relationships” – a favorable factor in deciding whether to exercise prosecutorial discretion – “encompasses two adults who are in a committed, long-term, same-sex relationship.” See Gary Mead, Executive Associate Director, ICE, et al., “Applicability of Prosecutorial Discretion Memoranda to Certain Family Relationships” (October 5, 2012). See also the American Immigration Council’s practice advisories

Holder, 697 F.3d 257 (5th Cir. 2012); *Pruidze v. Holder*, 632 F.3d 234 (6th Cir. 2011); *Marin-Rodriguez v. Holder*, 612 F.3d 591 (7th Cir. 2010); *Reyes-Torres v. Holder*, 645 F.3d 1073 (9th Cir. 2011); *Contreras-Bocanegra v. Holder*, 678 F.3d 811 (10th Cir. 2012) (en banc); *Jian Le Lin v. United States AG*, 681 F.3d 1236 (11th Cir. 2012).

Prosecutorial Discretion: How to Advocate for Your Client (June 24, 2011), *DHS Review of Low Priority Cases for Prosecutorial Discretion* (Feb. 13, 2012), and *Deferred Action for Childhood Arrivals* (Oct. 25, 2012); and Penn State Law's Center for Immigrants' Rights, in collaboration with Maggio + Kattar and Duane Morris LLP, toolkit on deferred action, *Private Bills and Deferred Action Toolkit*.

V. COUPLES WHO ARE NOT MARRIED

A. Fiancé/e Visas

If the noncitizen is outside the United States, a USC may petition for a K-1 fiancé/e visa (I-129F) for her partner.²⁴ The visa is only available to individuals who are coming to the United States "solely to conclude a valid marriage with the petitioner within ninety days after admission." INA § 101(a)(15)(K)(i). The couple must show that they have a bona fide intention to marry and are legally able to marry. INA § 214(d)(1). If the petitioner resides in a state that does not celebrate marriages for same-sex couples, it is important to provide an affidavit detailing the couple's plans to marry in a jurisdiction that has marriage equality and to attach any documentary evidence to support the affidavit (e.g., contract with a venue for the ceremony, travel itinerary, etc.).²⁵ In addition, the couple must establish that they previously have met in person within two years of filing the petition. INA § 214(d)(1). USCIS has discretion to waive this requirement in limited circumstances, including where there is extreme hardship. See 8 C.F.R. § 214.2(k)(2).

After the marriage takes place, the noncitizen may pursue adjustment of status. However, if the marriage does not take place within 90 days, the noncitizen is required to leave the United States or risk deportation. INA § 214(d)(1).

As discussed in § II.D, *supra*, practitioners must be alert to potential safety issues for noncitizens who are seeking fiancé/e visas in countries where same-sex relationships are criminalized.

B. Couples Who Cannot Marry

There are various situations in which individuals will face significant hurdles in marrying their partners. One situation is where a person fled her home country to seek asylum in the United States and now is unable to file an asylee relative petition for her partner overseas because they are not married. In most countries from which LGBT individuals can win asylum, marriage

²⁴ The *Same-Sex Marriage Guidance* specifies that a USC can file a fiancé/e visa for a same-sex partner so long as all other requirements for the visa are met. Likewise, the *DOS FAQs* provide that "a same-sex engagement may allow your fiancé to enter the United States for the purpose of marriage."

²⁵ In the analogous situation of applications for fiancé/e visas where one spouse is transgender, USCIS explicitly directs the petitioner to include evidence of plans to marry in a state which would recognize the couple's marriage if the petitioner lives in a state that would not allow the couple to marry. See "*Adjudication of Immigration Benefits for Transgender Individuals*," AILA InfoNet Doc. No. 12041360.

would not have been an option in the country of origin. Also, since only USCIs can file fiancé/e visa applications, an asylee is not able to petition for a partner left behind for at least five years (i.e., until after she naturalizes). In cases where the foreign partner is in danger, humanitarian parole may be an option.²⁶ It remains to be seen whether USCIS will extend humanitarian parole more broadly to cover the partners of LGBT asylees.

There also may be couples in the United States who – due to advanced age, disability, or extreme poverty – cannot travel to a marriage equality state to wed. Furthermore, individuals who live in states without marriage equality may be unable to obtain a divorce from a prior same-sex marriage in the courts of the state of residence, and the state of celebration may require residence to divorce. In this situation, a gay man or lesbian may be unable to marry a current partner if he or she cannot divorce a previous same-sex spouse.

If the noncitizen is in removal proceedings, he may be able to obtain prosecutorial discretion based on the relationship with a USC or LPR even if the couple is not married. *See* Gary Mead, Executive Associate Director, ICE, et al., “Applicability of Prosecutorial Discretion Memoranda to Certain Family Relationships” (October 5, 2012). *See also* § IV.C, *supra* (discussing prosecutorial discretion).

Some noncitizens who are detained also may be unable to marry. While the Performance-Based National Detention Standards allow ICE detainees to marry,²⁷ if the person is detained in a state that does not have marriage equality, permission to marry likely will be denied. Practitioners may advocate with ICE to release the detainee under an alternatives to detention program or transfer the noncitizen to a jurisdiction where she can marry if there is a bona fide relationship and marrying would afford immigration relief.

CONCLUSION

For many years, LGBT people have faced systematic discrimination under federal law, including immigration law. With the end of DOMA, married LGBT binational couples can access the panoply of marriage-based immigration benefits. Thus far, the immigration agencies have taken prompt and positive steps toward implementing *Windsor*. Undoubtedly, however, problems and unique issues will arise over the coming months. Practitioners may need to educate adjudicators about changes in the law as well as unique factual circumstances encountered by LGBT families. Immigration Equality, the American Immigration Council, and AILA will be monitoring implementation and advocating with the immigration agencies. Please contact us at

²⁶ *See* USCIS “Questions and Answers: Humanitarian Parole,” at <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=ed662cc252f93210VgnVCM100000b92ca60aRCRD&vgnnextchannel=accc3e4d77d73210VgnVCM100000082ca60aRCRD>.

²⁷ ICE states that requests for marriage by those in detention will be considered on a case-by-case basis, and “[o]rdinarily, a detainee’s request for permission to marry shall be granted.” *See* “Performance-Based National Detention Standards 2011” at 339, available at <http://www.ice.gov/doclib/detention-standards/2011/pbnds2011.pdf>. However, the Guidelines state that the individual must be legally eligible to marry in the state where he is being held.

ynelson@immigrationequality.org or clearinghouse@immcouncil.org if you encounter difficulties with the agencies or have specific questions about case strategies that are not covered by this advisory.



The Supreme Court victory in *United States v. Windsor* striking down the discriminatory federal Defense of Marriage Act (DOMA) affirms that all loving and committed couples who are married deserve equal legal respect and treatment from the federal government. The demise of DOMA marks a turning point in how the United States government treats the relationships of married same-sex couples for federal programs that are linked to being married. At the same time, a turning point is part of a longer journey, not the end of the road. There is much work ahead before same-sex couples living across the nation can enjoy all the same protections as their different-sex counterparts.

Keep In Mind

- The Supreme Court's ruling in *Windsor* applies only to the federal government. It does not change discriminatory state laws excluding same-sex couples from state-conferred marriage rights.
- Federal agencies—large bureaucracies—may need and take some time to change forms, implement procedures, train personnel, and efficiently incorporate same-sex couples into the spousal-based system.
- Until same-sex couples can marry in every state in the nation, there will be uncertainty about the extent to which same-sex spouses will receive federal marital-based protections nationwide. For federal programs that assess marital status based on the law of a state that does not respect marriages of same-sex couples, those state laws will likely pose obstacles for legally married couples and surviving spouses in accessing federal protections and responsibilities.
- Securing full access to federal protections that come with marriage for all same-sex couples in the nation will take some time and work. In some situations, it may require Congressional action or formal rule-making by agencies.
- Before making a decision, it is essential that you consult an attorney for individualized legal advice. This is particularly important for people who are on certain public benefits, as getting married may jeopardize your eligibility without providing you the full measure of protections other married couples enjoy. In addition, couples who travel to another place to marry and then return to live in a state that does not respect their marriage may be unfairly unable to obtain a divorce, which can lead to serious negative legal and financial consequences. People must make careful decisions when and where to marry, even as we work together to end this injustice.
- We are committed to winning universal access to federal marital protections for married same-sex couples through ongoing public policy advocacy, and, where necessary, strategic litigation. Contact our organizations if you have questions, for updates and to learn more about what you can do to achieve full equality for those who are LGBT.

This Guidance is intended to provide general information regarding major areas of federal marriage-based rights and protections based on how the various federal agencies have administered federal benefits. *It should not be construed as legal advice or a legal opinion on any specific facts or circumstances, and does not create an attorney-client relationship.* Past practice is no guarantee of future developments. While laws and legal procedure are subject to frequent change and differing interpretations in the ordinary course, this is even more true now as the federal government dismantles DOMA and extends federal protections to same-sex couples. None of the organizations publishing this information can ensure the information is current or be responsible for any use to which it is put.

No tax advice is intended, and nothing therein should be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.

Consult a qualified attorney in your state for legal advice about your particular situation.

FAMILY AND MEDICAL LEAVE ACT FOR NON-FEDERAL EMPLOYEES

The Family and Medical Leave Act (FMLA) provides important protections for eligible workers. It allows them to take up to 12 weeks of unpaid leave in a 12-month period to care for a spouse with a serious medical condition, or 26 weeks to care for an eligible servicemember spouse with a serious injury or illness. It also allows an employee to take job-protected leave for the birth or adoption of a child or to care for a child who has a serious health condition, regardless of whether the child is biologically related to the employee. At the end of the FMLA leave, workers are entitled to resume their same or an equivalent job.

This guidance addresses the rights that non-federal employees and their same-sex spouses should expect to receive under the FMLA now that the Defense of Marriage Act (DOMA) has been struck down. Rules for federal employees differ slightly. See the guidance section on Federal Employees for information specific to employees of the federal government. You may also have additional rights under state law. For more information, consult with a lawyer who specializes in employment law about rights you may have in your state.

Who qualifies for FMLA leave?

Any employee who has worked for a covered employer at least 1,250 hours during the 12-month period before the start of the leave is eligible for FMLA leave, so long as the employee has worked for a covered employer for at least a year.

Which employers are covered by the FMLA?

The FMLA covers:

- Public employers, including state, local or federal government, or a public school. See the guidance for Federal Employees for more information specific to FMLA coverage for federal civilian employees.
- Private sector employers with 50 or more employees working for at least 20 workweeks (within a 75-mile radius of their worksite, if the employer has more than one worksite) in the current or preceding calendar year.

How does being married matter for FMLA leave?

The FMLA allows eligible employees of covered employers to take unpaid leave to care for a spouse who has a serious health condition. There are additional and sometimes expanded leave rights for spouses of current and former servicemembers.

This series of fact sheets produced together by:

American Civil Liberties Union | Center for American Progress | Family Equality Council | Freedom to Marry | Gay & Lesbian Advocates & Defenders
Human Rights Campaign | Immigration Equality | Lambda Legal | National Center for Lesbian Rights | National Gay and Lesbian Task Force | OutServe-SLDN.

How do I apply for FMLA leave?

If you want to use FMLA leave, you must give 30 days advance notice to your employer if possible. Where that's not possible, you must let your employer know as soon as you can. If you need to miss work under FMLA leave without advance notice, you need to follow the usual notification procedures for absences from work. You also will need to give enough information to your employer for your employer to decide whether the FMLA applies to your situation. If you encounter problems, you can contact the Wage and Hour Division at the Department of Labor, or an attorney who specializes in employment law.

To find the Wage and Hour Division office nearest you, go to: www.dol.gov/whd/america2.htm.

Which non-federal employees will be recognized as married for FMLA leave?

- If you live in a state that respects your marriage: You will be considered married for FMLA purposes, and will be entitled to take FMLA leave to care for a sick spouse.
- If you live in a state that does not respect your marriage: Existing regulation looks to the law of the employee's "place of domicile" (state of primary residence) to determine whether a person is a spouse for FMLA purposes. This means that, until the regulation is changed, if you are a non-federal employee, you are unlikely to be considered a spouse for FMLA purposes, even if you used to live in a state that respected your marriage. However, the federal government may take steps to use a "place of celebration" rule so that a spousal status is assessed according to the law of the state where you married or secured a spousal status. This process may take some time. We are working to ensure that the federal government respects married couples wherever possible. If you encounter problems, contact one of the legal organizations listed below.

How can I find out more about FMLA rights of non-federal employees?

See Department of Labor, Wage and Hour Division, Family and Medical Leave Act: www.dol.gov/whd/fmla/#UJRK21b-ocs.

**FOR MORE INFORMATION, CONTACT**

AMERICAN CIVIL LIBERTIES UNION
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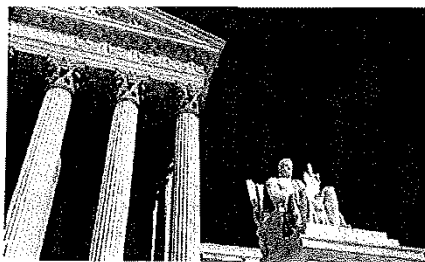
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LGBT ORGANIZATIONS FACT SHEET SERIES: **AFTER DOMA** WHAT IT MEANS FOR YOU

The Supreme Court victory in *United States v. Windsor* striking down the discriminatory federal Defense of Marriage Act (DOMA) affirms that all loving and committed couples who are married deserve equal legal respect and treatment from the federal government. The demise of DOMA marks a turning point in how the United States government treats the relationships of married same-sex couples for federal programs that are linked to being married. At the same time, a turning point is part of a longer journey, not the end of the road. There is much work ahead before same-sex couples living across the nation can enjoy all the same protections as their different-sex counterparts.

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- Federal agencies—large bureaucracies—may need and take some time to change forms, implement procedures, train personnel, and efficiently incorporate same-sex couples into the spousal-based system.
- Until same-sex couples can marry in every state in the nation, there will be uncertainty about the extent to which same-sex spouses will receive federal marital-based protections nationwide. For federal programs that assess marital status based on the law of a state that does not respect marriages of same-sex couples, those state laws will likely pose obstacles for legally married couples and surviving spouses in accessing federal protections and responsibilities.
- Securing fair access to federal protections that come with marriage for all same-sex couples in the nation will take some time and work. In some situations, it may require Congressional action at formal rule-making by agencies.
- Before making a decision, it is essential that you consult an attorney for individualized legal advice. This is particularly important for people who are on certain public benefits, as getting married may jeopardize your eligibility without providing you the full measure of protections other married couples enjoy. In addition, couples who travel to another place to marry and then return to live in a state that does not respect their marriage may be unfairly unable to obtain a divorce, which can lead to serious negative legal and financial consequences. People must make careful decisions when and where to marry, even as we work together to end this injustice.
- We are committed to winning universal access to federal marital protections for married same-sex couples through ongoing public policy advocacy, and, where necessary, strategic litigation. Contact our organizations if you have questions, for updates and to learn more about what you can do to achieve full equality for those who are LGBT.

This Guidance is intended to provide general information regarding major areas of federal marriage-based rights and protections based on how the various federal agencies have administered federal benefits. *It should not be construed as legal advice or a legal opinion on any specific facts or circumstances, and does not create an attorney-client relationship.* Past practice is no guarantee of future developments. While laws and legal procedure are subject to frequent change and differing interpretations in the ordinary course, this is even more true now as the federal government dismantles DOMA and extends federal protections to same-sex couples. None of the organizations publishing this information can ensure the information is current or be responsible for any use to which it is put.

No tax advice is intended, and nothing therein should be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.

Contact a qualified attorney in your state for legal advice about your particular situation.

SOCIAL SECURITY SPOUSAL AND FAMILY PROTECTIONS

This guidance addresses Social Security spousal benefits: when one spouse retires; in the event of disability; and when one spouse has passed away. Access to each of these benefits was blocked or affected by the federal Defense of Marriage Act (DOMA). Now that DOMA has been declared unconstitutional by the United States Supreme Court, this guidance summarizes these benefits, who qualifies, special concerns, possible reductions to benefits, how to apply, and how to appeal if your claim is denied.

For more information, visit the Social Security Administration website, www.socialsecurity.gov.

What Is the Social Security Retirement Spousal Benefit?

The "retirement spousal benefit" (the spousal benefit) is a benefit for a non-earning or lower-earning spouse that allows him or her to collect an amount that is equal to half of the other spouse's Social Security benefit. People are only eligible for a spousal benefit when their own benefit is less than half of their retired spouse's benefit, or when they seek to delay their own application for Social Security benefits based on their own work record. For more information, consult the SSA's "Retirement Planner: Benefits For You As A Spouse," www.socialsecurity.gov/retire2/applying6.htm.

- One-earner couples receive a spousal benefit of an extra 50% of the worker's retirement benefit while both spouses are alive.
- For two earner couples who worked long enough to qualify for Social Security benefits, a lower-earning spouse can receive his or her own benefit plus a spousal benefit to bring his or her total benefit up to 50% of the higher benefit.
- If you are at retirement age and your spouse has applied for Social Security benefits (even if he or she files and suspends), you can choose to file and receive benefits on just your spouse's Social Security record and delay filing for benefits on your own record up until age 70.

For more information, consult:

the SSA's page, "Delay my Social Security retirement and receive spouse's benefits," http://ssa-custhelp.ssa.gov/app/answers/detail/a_id/1944/kw/can%20i%20draw%20a%20spousal%20benefit%20and%20delay%20my%20retirement%3F;

the SSA's publication, "Retirement Benefits," www.socialsecurity.gov/pubs/EN-05-10035.pdf;

Consumer Reports' "Timing your Social Security benefits," www.consumerreports.org/cro/magazine/archive/2011/october/money/timing-your-social-security-benefits/overview/index.htm;

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and AARP's "How to Maximize Your Social Security Benefits," www.aarp.org/content/dam/aarp/money/budgeting_savings/2012-02/How-to-Maximize-Your-Social-Security-Benefits-AARP.pdf.

What is the Social Security Disability Spousal Benefit?

Social Security pays benefits to people who cannot work (are unable to engage in substantial gainful activity) because they have a medical condition that is expected to last at least one year or result in death. For more information, consult the SSA's Disability Planner: Social Security Protection If You Become Disabled, <http://www.ssa.gov/dlibplan/index.htm>, and publication, "Disability Benefits," www.socialsecurity.gov/pubs/EN-05-10029.pdf.

When a worker qualifies for Social Security disability benefits, the spouse may be eligible for a monthly benefit of up to 50% of the disabled worker's benefit. The requirements are very similar to the retirement spousal benefit discussed above.

What is the Surviving Spouse Benefit?

After a spouse's death, Social Security allows the surviving spouse to keep collecting his or her own Social Security payment or to collect the full payment of the deceased spouse. A surviving spouse can also use the survivor's benefit to delay retiring on his or her own record, thereby earning delayed retirement credits and increasing his or her own benefit. For examples and more information, see SSA's "Survivors Planner: How Much Would Your

Survivors Receive?" www.socialsecurity.gov/survivorplan/onyourown5.htm, and GLAD's publication, "Social Security Benefits and The Defense of Marriage Act," www.glad.org.

Note: In calculating a survivor benefit, reductions for early retirement, maximum family benefits, and the Government Pension Offset apply, but the Windfall Elimination Provision (WEP) does not apply to survivor benefits. See below: "What Factors Could Reduce My Benefits?"

What is the Lump-Sum Death Benefit?

There is a one-time death benefit of \$255 payable to a surviving spouse, or, if there is no spouse, to a minor child—if certain conditions are met. If no spouse or child meeting these requirements exists, the lump-sum death payment will not be paid. For more information, consult the SSA's "Lump-sum death payment," http://ssa-custhelp.ssa.gov/app/answers/detail/a_id/2021/-/lump-sum-death-payment.

What is the Child's Benefit?

Social Security can also help a worker's "children" when one or both parents are disabled, retired or deceased.

Because Social Security provides an important economic safety net, "child" is defined broadly and is based on state law recognition of the parent-child relationship. Please refer to the Social Security website for the numerous tests of who can be a "child."

Who Qualifies for Social Security Spousal Benefits

This chart outlines the basic requirements for each type of Social Security benefit available to spouses and is discussed in more detail below. You must meet each requirement listed under a given benefit in order to qualify for the benefit. The Social Security website provides further details.

	Spousal Retirement Benefit	Spousal Disability Benefit	Survivor's Benefit	Lump-Sum Death Benefit
SS Work Credits	<input type="checkbox"/> Your spouse worked and paid into the system long enough to qualify for this particular benefit			
Recognition	<input type="checkbox"/> The wage earner's state of domicile (primary residence) at the time of your application would consider you married or able to inherit personal property from each other without a will as would a spouse		<input type="checkbox"/> The wage earner's state of domicile (primary residence) at the time of your spouse's death would consider you married or able to inherit from each other without a will as would a spouse	
Duration	<input type="checkbox"/> You have been married for at least 12 months prior to applying for spousal benefits		<input type="checkbox"/> You have been married for at least 9 months immediately prior to the day your spouse died (Click here for exceptions to this rule from the SSA). http://ssa-custhelp.ssa.gov/app/answers/detail/a_id/395/kw/defense%20of%20marriage%20act	
Age	<input type="checkbox"/> You are at least age 62 or of any age if you have a qualifying "child" of the worker in your care who is under age 16 or disabled		<input type="checkbox"/> You are at least age 60, at least age 50 and disabled, or of any age if you have a qualifying "child" of the worker in your care who is under age 16 or disabled	

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Other			<input type="checkbox"/> You have not re-married before age 60 (or, if you are disabled, age 50) unless the later marriage has ended at the time of application, whether by death, divorce, or annulment (see SSA's "Survivors Planner")	<input type="checkbox"/> You and your spouse were living in the same household at the time of the death (with certain exceptions for things like hospital and nursing home stays)
Benefit Limitations	<input type="checkbox"/> You are not entitled to a Social Security benefit on your own earnings record that is greater than one half of your spouse's (unless you are applying for the spousal benefit to delay your own application for Social Security benefits based on your own earnings record)		<input type="checkbox"/> You are not entitled to a higher Social Security benefit on your own record (unless you are applying for the spousal disability benefit to delay your own retirement, as discussed above regarding the spousal retirement benefit)	
Application Deadline	No deadline, but there may be eligibility for limited number of months prior to filing application.	Same	Same	<input type="checkbox"/> You, as surviving spouse, applied for the \$255 death benefit within two years of the date of your spouse's death

Q. I'm married and my spouse resides (or resided at the time of passing away) in a state that recognizes marriages between spouses of the same sex. If I meet the other criteria, am I eligible for spousal-based benefits?

A. Yes. The Social Security law uses the wage earner's "place of domicile" as the relevant state law for assessing who is a spouse for benefits purposes. The Social Security law states that a person is considered a spouse if the courts of the state at the time of application would find that the couple was validly married.

Q. I joined in a Civil Union or Registered Domestic Partnership, my spouse resides (or resided at the time of passing away) in that state, and I meet the other criteria. Am I eligible for spousal-based benefits?

A. Although this is untested, we believe the answer should be yes. The Social Security law states that even if the state law of domicile at the time of application would find that you are not married, you are nevertheless eligible for spousal benefits if the laws of your state provide that you can inherit personal property without a will under your state's law as would a "wife, husband, widow or widower." 42 U.S.C. § 416(h)(1)(A)(ii).

All of the state civil union and registered domestic partner laws allow those joined in these statuses to inherit intestate (without a will) personal property as a spouse. In addition, states with more limited domestic partnership or reciprocal beneficiary laws (e.g., Wisconsin), even if the state also has marriage or civil unions (e.g., HI, ME, NJ), may provide a basis for those joined in the more limited statuses to make a claim for spousal benefits if you meet all of the other qualifications. Consult a local practitioner to learn more about your state's relationship recognition and intestacy laws.

If you are married but your spouse resides (or resided at the time of passing away) in a state that treats marriages of same-sex couples as a "civil union" or "registered domestic partnership," we believe you may make a claim for spousal benefits if you meet all of the other qualifications.

Q. My spouse resides (or at the time of passing away resided) in a state that does not recognize marriages of same-sex couples, but we married in another state and I meet all of the other criteria. Am I eligible for the spousal-based benefits?

A. Under existing law, the Social Security statute uses the wage earner's "place of domicile" as the relevant state law for assessing who is a spouse for benefits purposes. This will likely result in the agency denying crucial benefits to married same-sex couples and widows and widowers until the law is changed. Our organizations will be working urgently to attain respect for all marriages, though it will take legal changes.

Q. I am divorced. Can I obtain benefits based on my former marriage? What happens to those benefits if I remarry?

A. A divorced spouse of a retired, disabled or deceased worker—assuming the marriage lasted at least 10 years and that the divorced spouse is not married to someone else and meets age and other requirements—is entitled to receive benefits based on the earnings record of a former spouse. This includes the retirement spousal benefit, the disability spousal benefit, and the survivor's benefit, though some eligibility differences apply for divorced spouses. For information about access to benefits and how marrying will affect benefits from a former spouse, consult the SSA's "Retirement Planner: Benefits For Your Divorced Spouse," www.socialsecurity.gov/retire2/yourdivspouse.htm.

What Factors Could Reduce My Benefits?

The most common factors that can reduce benefits are discussed below.

Early retirement. If you start retirement benefits early, before the full retirement age set for you by Social Security, your monthly benefits are reduced. The full retirement age for people born between 1943 and 1954 is 66. You can [calculate the benefits of early or later retirement on the Social Security website](http://www.socialsecurity.gov/OACT/quickcalc/early_late.html). www.socialsecurity.gov/OACT/quickcalc/early_late.html. For more information, consult the SSA's publications, "Retirement Benefits," "When To Start Receiving Retirement Benefits" and "Retirement Planner: Other Things to Consider."

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Maximum Family Benefits Limit (Family Cap) If you or your spouse's children are also eligible for or receiving Social Security based on the same worker's earnings, your *spousal benefit* may be subject to a cap on total family benefits under a single earnings record. For more information, consult the SSA's "Formula For Family Maximum Benefit," www.ssa.gov/oact/cola/familymax.html.

Windfall Elimination Provision ("WEP"). Where a worker worked for an employer that did not withhold Social Security taxes from the worker's salary, such as a federal, state or local government agency, a nonprofit organization or another country, the pension based on that work may reduce the worker's Social Security benefits because of Social Security's Windfall Elimination Provision ("WEP"). Since the spousal benefit is derived from the worker's benefit, WEP affects the *spousal benefit* as well. While benefits are lowered because of the WEP, they are never totally eliminated. For more information, consult the SSA's "WEP eliminating a monthly Social Security benefit," http://ssa-custhelp.ssa.gov/app/answers/detail/a_id/1354/-/wep-eliminating-a-monthly-social-security-benefit; www.socialsecurity.gov/pubs/10045.pdf.

Government Pension Offset ("GPO"). The GPO applies directly to reduce spousal benefits if you receive a pension from a federal, state, or local government based on work where you did not pay Social Security taxes. If the GPO applies to you, your Social Security benefits will be reduced by two-thirds of your government pension. For more information, consult the SSA's publication, "Government Pension Offset," www.socialsecurity.gov/pubs/10007.pdf.

What Can I Do to Protect and Preserve My Rights While the Social Security Administration Sorts Out If My Marriage or Other Relationship "Counts" for Benefits Purposes?

If you meet all of the qualifications for a benefit, you can apply for Social Security benefits now to preserve the start date for your benefits based on the date of your application.

However, if the wage earner lives or lived in a state that does not recognize your legal relationship (marriage, civil union, registered domestic partnership), you will likely be denied benefits if you apply. Our organizations are working to ensure that all marriages respected, but it will take legal changes.

How Do I Apply for Social Security Spousal Benefits and How Do I Appeal If Benefits Are Denied?

GLAD's publication, "Social Security Benefits and The Defense of Marriage Act," www.glad.org, outlines the application and appeals process in detail. Some of the important tips from that publication:

Apply in Person! You can apply for Social Security benefits in person on your own at your local Social Security Administration Office.

What to bring. Provide a copy of your marriage, civil union or RDP certificate in support of your application and, if you are applying for survivor benefits, a copy of your spouse's death certificate. Make sure you get a dated copy of your application (or some other dated receipt) as evidence that you actually applied should you need this later.

If you are told you cannot apply. You may be told that you cannot apply for marriage-based benefits based on your marriage, civil union or RDP. You

need to persist politely until you are permitted to complete an application. If necessary, you can explain that you simply wish to preserve your legal rights.

Insist on a Written Denial. It is possible that a Social Security representative will tell you orally that your application is denied. If that happens, politely insist on a written denial, which Social Security is required to give you. This is important in order to assure your right to appeal.

Addressing Delays. If you do not receive a decision on your application from Social Security within two weeks, write to Social Security and request a decision.

Appeal Denials to Keep Benefits Claim Alive. When your application for any Social Security benefit is denied, you must appeal the denial to try to keep your claim for benefits "open" or "alive" and possibly obtain benefits based on the date of application. The time limit for filing an appeal is 60 days from the Notice of Denial.

- **Follow the Directions.** The Social Security Administration will tell you your options at each stage of the appeals process. You have an absolute right to appeal the denial of your benefits. For more information from Social Security about the appeals process, consult the SSA's publication, "Your Right To Question The Decision Made On Your Claim," www.socialsecurity.gov/pubs/EN-05-10058.pdf.
- **Try to keep your appeal pending as long as possible.** Because it is likely that it will take some amount of time for the post-DOMA issues to sort themselves out, keep your appeal pending as long as possible so that the agency and legal processes can do what they need to do to clarify the rules. To extend your appeal process, wait until any deadline nears to file the next challenge to your denial (but be sure not to miss the 60 day deadline for each step of the appeal process). You can apply again if the law changes.

Question About Grant of Benefits. If your application for benefits is granted and you think it should not have been under existing legal standards, contact an attorney. If you improperly receive benefits, the government can require you to pay those back.

Timing. There is no deadline for applying for a spousal benefit (except the lump-sum death benefit) though benefits begin based on the date you filed an application.



FOR MORE INFORMATION, CONTACT

GAY & LESBIAN ADVOCATES & DEFENDERS

glad.org

LAMBDA LEGAL

lambdalegal.org

NATIONAL CENTER FOR LESBIAN RIGHTS

nclrights.org

AMERICAN CIVIL LIBERTIES UNION

aclu.org/lgbt

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Social Security

The Official Website of the U.S. Social Security

Administration

Official Social Security Website

POMS Recent Change

Effective Dates: 08/09/2013 - Present

Identification
Number: GN 00210 BASIC
Intended Audience: See Transmittal Sheet
Originating Office: ORDP OISP
Title: Windsor Same-Sex Marriage Claims
Type: POMS Transmittals
Program: All Programs
Link To Reference:

PROGRAM OPERATIONS MANUAL SYSTEM

Part 02 - General

Chapter 002 – Applications and Interviews

Subchapter 10 - Windsor Same-Sex Marriage Claims

BASIC, 08/2013

Audience:

FO/TSC: CR, CR TII, CR TXVI, DRT, FR, OA, OS, RR, SR, TA, TE, TSC-SR

PSC: CA, SCPS, CS, TSA, TST, ICDS, IES, ISRA, RECONR

OCO-ODO: BET, CR, CST, CTE, CTE TE, DE, DEC, DS, RCOVTA, RECONR, RECOVER

OCO-OIO: BET, CAQCR, CR, CTE, ERE, FCR, FDEC, RECONR, RECONR

Originating Component

OISP

Effective Date

Upon Receipt

Background

On June 26, 2013, the United States Supreme Court issued a decision in *United States vs. Windsor*. Because of the decision, we are no longer prohibited from recognizing same-sex marriages for purposes of determining benefits.

Consequently, all claims that are filed on or after June 26, 2013, or that were pending final determination at the time of the decision, will be subject to Windsor instructions.

We are working with the Department of Justice to interpret the Windsor decision.

Please send questions about managing claims related to the Windsor decision to "Windsor Policy Questions."

Please check the PolicyNet Daily Posting regarding additional claims that can be processed immediately.

Continue to hold any same-sex marriage claims for which instructions have not yet been issued, as set out in EM-13022 REV.

This new POMS subchapter (GN 00210) includes policy, process, and procedures for processing same-sex marriage cases.

Summary of Changes**GN 00210.001 Windsor Same-Sex Marriage Claims—Introduction**

This new section contains information regarding the recent United States Supreme Court decision in *United States vs. Windsor*. We included a policy statement that SSA is no longer prohibited from recognizing same-sex marriage for purposes of determining benefits. We also included an email address that SSA offices can use to send questions regarding the Windsor decision.

GN 00210.100 Same-Sex Marriage—Benefits for Aged Spouses

This new section states that SSA is now able to approve some wife's and husband's claims

involving same-sex marriages and that applicants must meet all other factors of entitlement before we approve the claim. Subsection A states the circumstances that we will allow payment for claims. Subsection B

- states that SSA offices must follow current instructions for determining marital status and for obtaining evidence of marriage;
- contains a chart that list the states that recognize same-sex marriage; and
- provides instructions for determining domicile and duration of marriage.

Subsection C contains procedures for the field offices (FOs) and processing centers to follow when the claimant meets all factors of entitlement as listed in RS 00201.001 and GN 00210.000. Subsection D contains examples for when to adjudicate a same-sex marriage claim. Subsection E contains examples of same-sex marriage claims that offices should hold according to the instructions in EM 13022 REV.

GN 00210.001 Windsor Same-Sex Marriage Claims--Introduction

On June 26, 2013 the U.S. Supreme Court issued a decision in *United States v. Windsor* . Because of the decision, we are no longer prohibited from recognizing same-sex marriages for purposes of determining benefits. Consequently, all claims that are filed on or after June 26, 2013, or that were pending final determination at the time of the decision, will be subject to Windsor instructions.

We are working with the Department of Justice to interpret the Windsor decision. We will post policy-related answers and accompanying procedures in GN 00210 on a flow basis.

Please send questions about managing claims related to the Windsor decision to ^Windsor Policy Questions .

Please check the PolicyNet Daily Posting regarding additional claims that can be processed immediately.

Continue to hold any same-sex marriage claims for which instructions have not yet been issued, as set out in GN 00210.005.

GN 00210.100 Same-Sex Marriage - Benefits

for Aged Spouses

A. Introduction

Because of the Windsor decision, we are now able to approve some wife's and husband's claims involving same-sex marriages.

In addition to the instructions below, applicants must meet all factors of entitlement before we approve the claim.

These instructions allow for payment of claims when the NH

- was married in a state that permits same-sex marriage, and
- is domiciled at the time of application, or while the claim is pending a final determination, in a state that recognizes same-sex marriage.

(See list below for states that permit or recognize same-sex marriage.)

B. Policy

1. Determining marital status

For evidence of a marriage, please follow current instructions on:

- Preferred Proof of Ceremonial Marriage (GN 00305.020)
- Secondary Proof of Ceremonial Marriage (GN 00305.025)
- Spouse's Benefits – Marriage Certification (RS 00202.065)
- Spouse's Benefits – Proof of Marriage (RS 00202.070)

Use the "Date Same-Sex Marriages Were Permitted in the State" column of the chart below to confirm that the couple was married on or after the date when the state permitted same sex-marriages. Only the states on the list permit same-sex marriages.

If the couple married in a state that currently recognizes same-sex marriages, but the couple was married before the date the state permitted same-sex marriages (in the "Date Same-Sex Marriages Were Permitted in the State" column of the chart), hold the claim as set out in GN 00210.005.

NOTE: If the couple resides in a state that converted same-sex civil unions to marriages, and the couple initially entered a civil union, hold claims as set out in GN 00210.005.

NOTE: Hold claims alleging a non-ceremonial marriage as set out in GN 00210.005.

NOTE: If a member of the couple alleges a prior civil union to an individual other than his or her current spouse, hold the claim as set out in GN 00210.005.

State	Date Same-Sex Marriages from Any Other State Was Recognized	Date Same-Sex Marriages Were Permitted in the State
California	June 17, 2008 – November 4, 2008 June 26, 2013 - present	June 17, 2008 – November 4, 2008 June 26, 2013 - present
Connecticut	November 12, 2008	November 12, 2008
Delaware	July 1, 2013	July 1, 2013
Iowa	April 30, 2009	April 20, 2009
Maine	December 29, 2012	December 29, 2012
Maryland	February 23, 2010	January 1, 2013
Massachusetts	May 17, 2004	May 17, 2004
Minnesota	August 1, 2013	August 1, 2013
New Hampshire	January 1, 2010	January 1, 2010
New York	February 1, 2008	July 24, 2011
Rhode Island	May 14, 2012	August 1, 2013
Vermont	September 1, 2009	September 1, 2009
Washington	December 6, 2012	December 6, 2012
Washington, DC	July 7, 2009	March 9, 2010

2. Determining domicile

Determine the NH's domicile at the time the claimant filed the application or while the claim is pending a final determination. See information on determining family status in GN 00305.001 and information on spouses in RS 00202.001.

a. NH domiciled in the same state where the marriage was performed

1. If the NH was domiciled in one of the states that has a date listed in "Date Same Sex Marriages Were Permitted in the State" column of the chart before a final determination; **and**
2. The application date is on or after the date that same sex marriage was permitted in the state of domicile; proceed to GN 00210.100B.3. Determining the Duration of Marriage.
3. If not, hold the claim as set out in GN 00210.005.

b. NH is not domiciled in the same state where the marriage was performed

1. If the NH was married in one of the states listed in the chart on or after the date shown in the "Date Same-Sex Marriages Were Permitted in the States" column; **and**
2. The NH was domiciled in one of the states that has a date listed in the "Date Same-Sex Marriages from Any States Recognized" column in the chart above before a final determination; **and**
3. The application date is on or after the date that the state of domicile recognized same-sex marriages from any state; proceed to GN 00210.100B.3. "Determining Duration of Marriage."
4. If not, hold the claim as set out in GN 00210.005.

3. Determining duration of marriage

To develop duration of marriage, see instructions in RS 00202.001B.

A claimant for spouse's benefits must meet the 1-year duration of marriage requirement prior to adjudication of the claim.

NOTE: Do not consider the date of the Windsor decision in determining the duration of marriage. Rather, rely on the date the couple was married.

4. Date of filing and month of entitlement

For new and pending claims, follow procedures for determining month of entitlement based on date of filing of application as described in GN 00204.007. Do not consider the date of the Windsor decision when determining month of entitlement. Do not use the date of the Windsor decision to determine date of entitlement. (Follow established policy on protective filing as in GN 00204.010.)

C. Procedure

When all entitlement factors listed in RS 00202.001 and described above are met, take the following steps to approve the claim:

1. In the field office and workload support unit (WSU)

- Take the claims in MCS.
- Enter 626M in the first four positions of the unit field on the DW01 screen.
- Add Listing Code 626 on the DECI screen.
- The claim will not process through EC; you will receive this edit: "SPOUSE SEX EQUALS NH SEX." Process the claim using an A101/EF101.
- On the Account Data (ACCT) Screen of the A101/EF101, enter a "Y" in the Critical Case field.
- Annotate "626 Case" on the BCRN/EFBCRN screen.
- Monitor the case to ensure that it is processed to completion.

If the case has not been processed timely based on Month of Election (MOE) and Current Operating Month (COM) use Manager to Manager, critical request (PR Problem) to follow-up with the PC.

2. In the processing center

- A101/EF101 is routed to the BA for review (follow established local procedures for routing).
- Establish a PCACS listing code "626".
- If there are no discrepancies/issues the BA is to propagate the A101/EF101 into MACADE, process the claim and send a notice.
- If there are discrepancies/issues the BA routes the claim to the CA for review/resolution.
- Once discrepancies/issues are resolved, the CA routes the claim to the BA for processing as stated above.

D. Examples

1. Examples of approvals

The following are examples of claims that you can adjudicate under the rules in this section.

- Liz (the claimant) and Allison (the NH) marry in Massachusetts (MA) after MA recognizes same-sex marriage. They are domiciled in MA. Liz files for wife's benefits on Allison's record while they are domiciled in MA. They meet all other factors of entitlement. Approve the claim.
- Liz (the claimant) and Allison (the NH) marry in MA after MA recognizes same-sex marriage. Liz moves and becomes domiciled in California (CA). Allison remains domiciled in MA. Liz files for wife's benefits on Allison's record. They meet all other factors of entitlement. Approve the claim.
- Liz (the claimant) and Allison (the NH) marry in MA after MA recognizes same-sex marriage. Liz and Allison move and become domiciled in California (CA). Liz files for wife's benefits on Allison's record. They meet all other factors of entitlement. Approve the claim.
- Liz (the claimant) and Allison (the NH) marry in MA after MA recognizes same-sex marriage. Liz moves and becomes domiciled in Texas (TX). Allison remains domiciled in MA. Liz files for wife's benefits on Allison's record. They meet all other factors of entitlement. Approve the claim.
- Liz (the claimant) and Allison (the NH) are domiciled and marry in MA after MA recognizes same-sex marriage. Liz files for wife's benefits on Allison's record while domiciled in MA. While the application is pending, Liz and Allison move to and become domiciled in Texas (TX). They meet all other factors of entitlement. Approve the claim because when the claim was filed, Liz and Allison were domiciled in a state that recognizes same-sex marriage. Use the date of filing in MA to determine month of entitlement.
- Liz (the claimant) and Allison (the NH) are domiciled in TX and marry while on vacation in MA after MA recognizes same-sex marriage. Liz files for wife's benefits on Allison's record while domiciled in TX. While the application is pending, Liz and Allison move to and become domiciled in MA. They meet all other factors of entitlement. Approve the claim because while the claim was pending a final determination Liz and Allison became domiciled in a state that recognizes same-sex marriage. Use the date of filing in TX to determine month of entitlement.

2. Examples of holds

The following are examples of claims that you should hold as set out in GN 00210.005.

- Bill (the claimant) and Bob (the NH) marry in MA after MA recognizes same-sex marriage. They were domiciled in MA. They move to and become domiciled in Texas (TX). Bill files for husband's benefits on Bob's record while they are domiciled in TX. They meet all other factors of entitlement. Hold the claim.
- Bill (the claimant) and Bob (the NH) marry in MA after MA recognizes same-sex marriage. They were domiciled in MA. Bob then moves and becomes domiciled in TX while Bill remains domiciled in MA. Bill files for husband's benefits on Bob's record. They meet all other factors of entitlement. Hold the claim.
- Bill (the claimant) and Bob (the NH) marry in MA after MA recognizes same-sex marriage, but are domiciled Texas (TX). Bill files for husband's benefits on Bob's record. They meet all other factors of entitlement. Hold the claim.

GN 00210 BASIC - Windsor Same-Sex Marriage Claims - 08/09/2013



The Supreme Court victory in *United States v. Windsor* striking down the discriminatory federal Defense of Marriage Act (DOMA) affirms that all loving and committed couples who are married deserve equal legal respect and treatment from the federal government. The demise of DOMA marks a turning point in how the United States government treats the relationships of married same-sex couples for federal programs that are linked to being married. At the same time, a turning point is part of a longer journey, not the end of the road. There is much work ahead before same-sex couples living across the nation can enjoy all the same protections as their different-sex counterparts.

FEDERAL TAXES

Keep in Mind:

- The Supreme Court's ruling in *Windsor* applies only to the federal government. It does not change discriminatory state laws excluding same-sex couples from state-conferred marriage rights.
- Federal agencies—large bureaucracies—may need and take some time to change forms, implement procedures, train personnel, and efficiently incorporate same-sex couples into the spousal-based system.
- Until same-sex couples can marry in every state in the nation, there will be uncertainty about the extent to which same-sex spouses will receive federal marital-based protections nationwide. For federal programs that assess marital status based on the law of a state that does not respect marriages of same-sex couples, those state laws will likely pose obstacles for legally married couples and surviving spouses in accessing federal protections and responsibilities.
- Securing full access to federal protections that come with marriage for all same-sex couples in the nation will take some time and work. In some situations, it may require Congressional action or formal rule-making by agencies.
- Before making a decision, it is essential that you consult an attorney for individualized legal advice. This is particularly important for people who are on certain public benefits, as getting married may jeopardize your eligibility without providing you the full measure of protections other married couples enjoy. In addition, couples who travel to another place to marry and then return to live in a state that does not respect their marriage may be unfairly unable to obtain a divorce, which can lead to serious negative legal and financial consequences. People must make careful decisions when and where to marry, even as we work together to end this injustice.
- We are committed to winning universal access to federal marital protections for married same-sex couples through ongoing public policy advocacy, and, where necessary, strategic litigation. Contact our organizations if you have questions, for updates and to learn more about what you can do to achieve full equality for those who are LGBT.

This Guidance is intended to provide general information regarding major areas of federal marriage-based rights and protections based on how the various federal agencies have administered federal benefits. *It should not be construed as legal advice or a legal opinion on any specific facts or circumstances, and does not create an attorney-client relationship.* Past practice is no guarantee of future developments. While laws and legal procedure are subject to frequent change and differing interpretations in the ordinary course, this is even more true now as the federal government dismantles DOMA and extends federal protections to same-sex couples. None of the organizations publishing this information can ensure the information is current or be responsible for any use to which it is put.

No tax advice is intended, and nothing therein should be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.

Contact a qualified attorney in your state for legal advice about your particular situation.

IMPORTANT TAX DISCLAIMERS

This guidance is intended for general information purposes. It should not be construed as legal advice or a legal opinion on any specific facts or circumstances, and does not create an attorney-client relationship.

Because sound legal advice must necessarily take into account all relevant facts and developments in the law, the information you will find in this guidance is not intended to constitute legal advice or a legal opinion as to any particular matter.

Any tax information included in this document was not intended or written to be used, and it cannot be used, for the purpose of avoiding tax-related penalties under the Internal Revenue Code (Code).

Marriage Matters For Federal Taxes

A 2004 government report identified 198 separate Code provisions tied to marital status, highlighting the dramatic impact of marriage on personal taxes. Rep. "GAO-04-353R Defense of Marriage Act - Update to Prior Report" (Jan. 24, 2004), see www.gao.gov/new.items/d04353r.pdf.

Summarized below are a few of the many tax issues *potentially* affecting married same-sex couples now that DOMA has been invalidated. In all likelihood, there will be specific guidance forthcoming from the Internal Revenue Service (IRS) before the next income tax filing deadline for tax year 2013. For personal advice on income tax, gift tax, or estate tax – federal or state – please consult a tax advisor. *State income taxes are not addressed in this guidance.* This is not legal or tax advice.

"MARRIED" FILING STATUS FOR FEDERAL INCOME TAXES

"Filing status" refers to whether you identify yourself as "single," "head of household," "married filing jointly" or "married filing separately" on your federal income tax returns. Only married couples can file as married, whether jointly or separately. The filing statuses of "single" or "head of household" are generally reserved for unmarried persons. DOMA barred married same-sex couples from filing as "married," whether jointly or separately.

In general, your filing status is determined on the last day of the year. If you are married on the last day of the year, you will be considered married for the entire year. Alternatively, if you are single on the last day of the year (if you got divorced, for example) you will be considered single for the entire year. There are some exceptions to these rules, so check with your tax advisor if you have a question about your filing status.

This series of fact sheets produced together by:

American Civil Liberties Union | Center for American Progress | Family Equality Council | Freedom to Marry | Gay & Lesbian Advocates & Defenders
Human Rights Campaign | Immigration Equality | Lambda Legal | National Center for Lesbian Rights | National Gay and Lesbian Task Force | OutServe-SLDN.

Now that DOMA has been ruled unconstitutional, we believe that the IRS will instruct married same-sex couples to file their 2013 income taxes as “married”—whether jointly or separately—rather than as “individual” or “head of household,” *provided that the IRS recognizes the marriage*. See below for important information about how the IRS assesses whether or not a person is “married” for tax purposes.

For those marriages recognized by the IRS, tax preparation should be simpler and less expensive than it was with DOMA. The questions that have faced married same-sex couples at tax time, like “who claims which child” and “how much of the mortgage deduction or charitable deduction do we each take” are eliminated for married same-sex couples who may now take these deductions *together* in one joint return.

WHO DOES THE IRS COUNT AS MARRIED FOR FEDERAL TAX PURPOSES?

This is a critical question to answer before filing your 2013 income taxes, and we expect guidance from the IRS on this point. There may be a period of uncertainty because under current IRS practice, a person can file his or her income tax return as “married filing jointly” or “married filing separately” if the individual is considered married in his or her state of domicile (essentially, the permanent residence/primary home). That practice seems to suggest that only people in states that license or recognize marriages of same-sex couples and in D.C. can expect to be treated as married by the IRS. However, there is no statute or regulation requiring this approach. In addition, the IRS does not always follow this practice. For example, the IRS recognizes “common law” marriages for federal tax purposes no matter where a couple lives as long as their marriage was valid where entered. This will likely be an evolving area of law and you should consult with a qualified tax expert about your circumstances. The legal organizations listed here also hope to provide more information as the situation develops.

Q. I married in a state that recognizes marriages between spouses of the same sex, and I still live in such a state. Am I eligible to be treated as a spouse for tax purposes?

A. Yes.

Q. I live in a state with a Civil Union or Registered Domestic Partnership system, and my partner and I have entered into that status. Am I eligible to be treated as a spouse for tax purposes?

A. As stated above, the IRS has a practice of using a place of domicile rule for assessing marital status, but not in the case of common law marriages. We should await guidance from the IRS on this point. In addition, certain authorities have indicated that partners in a civil union are not spouses eligible to be treated as “married” for federal tax purposes. On the other hand, the Chief Counsel of the IRS in Illinois stated in a letter that a heterosexual couple joined in civil union, which Illinois had recognized “as husband and wife,” were permitted to file federal returns with the filing status “married filing jointly.” If a person encounters problems or questions, they should contact a tax advisor and a legal organization listed below.

Q. I used to live in a state with marriage for same-sex couples and married there, but have since moved to a state that does not recognize marriages of same-sex couples. Am I eligible to be treated as a spouse for tax purposes?

A. As stated above, the IRS has a practice of using a place of domicile rule for assessing marital status, but not in the case of common law marriages. We should await guidance from the IRS on this point. In our mobile society, we believe it would make more sense for the IRS to use a place of celebration rule for all marriages and not just for “common law” marriages, rather than to treat married people as unmarried for tax purposes when they cross state lines. If you encounter problems or questions, contact a tax advisor and a legal organization listed below.

Q. I live in a state that does not recognize marriages of same-sex couples, but I traveled elsewhere to marry. Am I eligible to be treated as a spouse for tax purposes?

A. As stated above, the IRS has a practice of using a place of domicile rule for assessing marital status, but not in the case of common law marriages. We should await guidance from the IRS on this point.

WILL I OWE MORE OR LESS FEDERAL INCOME TAX NOW THAT I CAN FILE A JOINT RETURN WITH MY SPOUSE?

Every couple’s situation is unique and may also change from year to year. For an individualized income tax analysis, consult a qualified tax advisor.

Joint filing tends to favor married spouses with very different incomes (e.g. where one spouse earns little or no income and the other earns income to support the family). Joint filers will generally owe *less* income tax than they would as single taxpayers. This is because the IRS effectively treats the combined income of married couples as if each spouse earned half, even if, in reality, one earned nothing and the other earned, say, \$80,000. With each spouse treated as having earned \$40,000, the couple can take advantage of a lower tax bracket and rate than would a single person who earned \$80,000.

Note that for some taxpayers—specifically those in marriages in which both spouses are high earners—married status filers generally will owe *more* income tax under the “married filing jointly” status than they would if they filed two separate returns under the “single” filing status. The reason for this “marriage penalty” is that joint return income thresholds (i.e., the income level at which the next marginal tax bracket applies), while higher than unmarried individual return thresholds, are not twice as high. Thus, some high-earning married taxpayers, whether they file as “married filing jointly” or “married filing separately,” will pay higher rates of tax than they would if they were unmarried individual filers.

WITH DOMA GONE, ARE THERE ANY STEPS I NEED TO TAKE NOW WITH RESPECT TO MY 2013 FEDERAL TAXES?

Your 2013 taxes are not due until April 15, 2014, but if you earn wages as an employee, you may want to consult a tax advisor about whether to change your filing status and claimed allowances on Form W-4, which may affect your withholdings. You also may want to consult a tax advisor if you pay estimated income taxes on a quarterly basis about whether to change the amount of these payments.

If you have not yet filed your 2012 federal income tax return because you obtained a six month extension, you should consult your tax advisor before filing about what is the correct filing status and compute your income accordingly.

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See below if you are considering filing amended returns for a tax refund with respect to earlier tax years.

WHAT ARE SOME OF THE OTHER DIFFERENCES FOR SAME-SEX COUPLES IN BEING TREATED AS "MARRIED" FOR FEDERAL TAX PURPOSES?

Apart from tax rate schedules, there are numerous other ways in which your marital status may affect your federal taxes depending on your individual circumstances. For those persons the IRS regards as "married," for example:

- **Standard Deductions.** Taxpayers can either take "itemized deductions" found on Schedule A of the federal income tax return, or a "standard deduction," whichever is greater. The standard deduction is a fixed dollar amount based on filing status plus some specific adjustments. For 2013, the standard deduction is \$12,200 for joint filers, exactly double the \$6,100 deduction available to "single" or "married filing separately" filers.
- **Pooled income and deductions.** Only married couples filing jointly may combine spouses' income and expenses to be taken into account for computing deductions or credits on a return. For example, the itemized deduction for medical and dental expenses on Schedule A permits joint filers to combine their qualifying medical and dental expenses. But this deduction is limited if the couple has a comparatively high aggregated adjusted gross income ("AGI"). Only medical and dental expenses that exceed a certain percentage of the joint filers' AGI (7.5% of AGI in 2012 and 10% in 2013) may be deducted.
- **Income associated with employer-provided health insurance.** Married same-sex couples should no longer have to pay income taxes on the value of employer provided insurance to an employee's spouse. Typically, when an employer provides group health insurance and premium contributions for its employees and their spouses, children and other qualifying tax dependents, the value of those benefits is not subject to federal income tax. This tax advantage is now available to married same-sex couples. Under DOMA, the value of the employer-provided health insurance benefits for a same-sex spouse (unless a dependent) was taxable income to the employee.
- **Tax-advantaged fringe benefits.** Some employer-provided fringe benefits will be handled differently now that DOMA has been invalidated. For example, a married taxpayer/employee may be able to use pre-tax dollars to pay premiums on employer-provided health insurance for his or her spouse. Under DOMA, tax-advantaged employment benefits were not available to same-sex spouses unless the spouse qualified as a "tax dependent" of the employee.
- **Earned Income Tax Credit (EITC).** This is a refundable tax credit available to low- and medium-income taxpayers. Credits may in some cases be higher, and may be obtained at higher income levels, for some joint filers.
- **Exclusion of gain from sale of principal residence.** The Code allows taxpayers to exclude from gross income the gain from the sale or exchange of a principal residence. The exclusion is capped at \$250,000 for individuals and \$500,000 for joint returns. Thus, the previous inability of same-sex spouses to file joint returns may have resulted in their receiving a smaller exclusion than they would if they were permitted to file jointly.

Important Note: There are many portions of the Code that differentiate between married and unmarried persons. Consult a tax advisor for more information about how these and many other factors might affect you.

I live in a community property state that permits same-sex couples to marry or register as domestic partners. Will this ruling affect how much income I report on my Federal return?

It depends. We do not yet know how long it will take for the IRS to release instructions about how married same-sex couples should file in community property states. But, if you are married and recognized as married in the state where you live, we expect that the IRS will instruct you to file federal income taxes as a married couple. You will then be able to combine your income and file one return just as other married couples if you use the "married filing jointly" filing status. If you file jointly, you will avoid the need to engage in a process known as income-splitting, in which all community income earned by both individuals is added together and half is allocated to each individual. If you use the "married filing separately" filing status in one of these community property states, then the same rules that apply to different-sex couples who use this status also will apply to you. This means you will apply income-splitting to your separate returns, unless an exception applies. For example, you may have entered into a valid pre-nuptial or post-nuptial agreement opting out of the community property system.

If you are in a registered domestic partnership (or another union recognized as a registered domestic partnership) in a community property state and are not married, you will likely use the "single" or "head of household" filing status and income-splitting will likely apply. It is too early to tell if the IRS will or will not allow registered domestic partners to file a joint return.

In 2010, the IRS announced that it would recognize the community property rights of same-sex couples, including those who were married or in registered domestic partnerships. This was consistent with the longstanding rule that state law determines ownership of property, while federal law determines how much federal tax the owner must pay. Because DOMA did not bar the IRS from applying income-splitting to same-sex couples, the ruling striking down DOMA should not change how the IRS treats same-sex couples' community property rights if they continue to file taxes separately.

The following states have community property laws: Alaska (which permits a community property election), Arizona, California, Nevada, Idaho, Louisiana, New Mexico, Texas, Washington and Wisconsin. However, only three of those states—California, Nevada and Washington—currently allow same-sex couples either to marry or register as domestic partners and thus be governed by the state's community property laws. In New Mexico, the Attorney General has issued an opinion stating the marriages of same-sex couples performed elsewhere will be recognized in the state. Because same-sex married couples in New Mexico are and should be recognized as married in their state, we believe that same-sex married couples in New Mexico should file their state and federal tax returns as married unless there is contrary instruction from relevant state or federal authorities.

For more information, go to www.irs.gov/pub/irs-pdf/p555.pdf.

How does DOMA's invalidation affect divorce?

Divorcing spouses unwinding their economic partnership by dividing marital assets should obtain information from qualified professionals about possible tax consequences, which may include:

- **Transfers of property because of divorce.** Property transferred between spouses because of a divorce is not subject to income or gift tax. Under DOMA, when a married same-sex couple divorced, transfers of the home and other assets were taxable events.
- **Spousal support.** If alimony (also known as "spousal support") or separate maintenance payments are paid to a spouse or former spouse under a divorce or separation instrument or court order, the payments are deductible to the person making the payments on his or her tax returns. The spouse or

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former spouse receiving the payments must report the payments as income. Under DOMA, the spouse paying alimony could not deduct payments for spousal support.

- **QDROs.** Certain retirement assets in the name of one spouse may be viewed as marital property to be divided at divorce. Without DOMA, it will be easier to divide retirement assets that normally cannot be touched by anyone other than the employee/retiree. Through a court-issued "Qualified Domestic Relations Order" (QDRO), certain workplace retirement plans belonging to one spouse can be assigned to (or shared with) the non-employee/former spouse on a tax-free basis.

A former spouse who receives benefits paid under a QDRO generally must report the benefits as income. If the employee/retiree ("plan participant") contributed to the retirement plan, then a prorated share of the participant's cost (investment in the contract) is used to figure the taxable amount.

- **IRA transfers pursuant to divorce.** The transfer of all or part of an interest in a traditional IRA to a spouse or former spouse, under a decree of divorce or separation or divorce instrument incident to the decree, is not considered a taxable transfer.

In prior tax years, I paid more taxes than I should have because DOMA disrespected my marriage. What can I do?

There may be steps you can take to preserve your rights if you act within the time permitted by law. You can discuss with your tax advisor whether it makes sense for you to pursue a refund claim with the IRS.

Generally, to make a refund claim for income taxes, an individual must complete an amended tax return for each tax year at issue and send it to the IRS with an explanation as to why the original filing was incorrect. There is some question about the deadline for filing an amended return when a couple could not file a tax return as married but now can. Planning conservatively, you should file any amended return within three years of its original due date, as opposed to the extended due date. For example, for the tax year 2010 (where the return was originally due April 15, 2011), any amended return would have to be filed by April 15, 2014.

The IRS has a precise process and required forms for amended returns. For more information, see the *Instructions for IRS Form 1040X* (www.irs.gov/pub/irs-pdf/i1040x.pdf), and *GLAD's Tax Time and Preserving Your Federal Rights*. Note that to recover Social Security taxes paid or taxes imputed on health insurance for a spouse you have to specifically request that such amounts be refunded.

A taxpayer should also consider potential downsides of taking these steps, such as an increased risk of audit, possible assessment of a tax deficiency, and in some instances, the burden, expense, and uncertainty of litigation.

If your spouse died before DOMA was struck down and you think you paid more in taxes than you should have because of DOMA (e.g., you could not take an inherited IRA as a spouse), you should consult a qualified tax professional for advice.

How does DOMA's invalidation affect gift taxes?

As a very general matter, spouses make gifts and transfer property to one another without incurring gift taxes. With DOMA invalidated, the gift tax "marital exemption" should apply to married same-sex couples. Married same-sex couples will not have to file a federal gift tax return if one spouse transfers a home, other property, or cash to the other spouse. For more information about gift taxes, consult your tax advisor.

If you made one or more substantial gifts to a spouse of the same sex before DOMA was invalidated and filed a federal gift tax return, you should

consult a knowledgeable tax professional about your circumstances.

How does DOMA's invalidation affect estate taxes?

A taxable "estate" (the money and assets of the deceased person) may take an "unlimited marital deduction." This means that, essentially, the estate will not incur any estate tax liability with respect to any assets left by the deceased spouse to his or her surviving spouse. The "marital deduction" effectively permits married couples to postpone federal estate tax that otherwise would have to be paid on the deceased's estate because the property passing to the surviving spouse will not be taxed until the surviving spouse's death.

Under DOMA, no marital deduction was available to same-sex couples, and the value of the assets left to a same-sex spouse was fully included in the taxable estate. As a result, these assets ultimately would be subject to the estate tax twice; once when the first spouse dies and again at the death of the other spouse. This is the very issue that affected Edie Windsor and reached the Supreme Court: Edie, as executor of her spouse's estate, paid a \$363,000 estate tax she would not have had to pay if she had been married to a man.

HELPFUL RESOURCES

General Guides:

Taxpayer Advocate Service's basic guide to taxes: www.taxpayeradvocate.irs.gov/Individuals/Complying-With-Tax-Laws

and FAQ: www.taxpayeradvocate.irs.gov/Individuals/FAQ.

IRS publications under "General Information" (www.irs.gov/istaxtopics/1c300.html), including "When, Where, and How to File."

IRS Pub 17/1040 Guide:

IRS Publication 17 addresses common issues for taxpayers who itemize deductions. English version: www.irs.gov/pub/irs-pdf/p17.pdf; Spanish version: www.irs.gov/pub/irs-pdf/p17sp.pdf. General instructions on filling out Form 1040: www.irs.gov/pub/irs-pdf/i1040.pdf.

Life Transitions:

The IRS also addresses how life events make a significant impact on taxes: www.irs.gov/Individuals/Did-you-know-life-events-like-marriage-divorce-and-retirement-may-have-a-significant-tax-impact%3F

"Divorced or Separated Individuals," at www.irs.gov/pub/irs-pdf/p504.pdf and www.irs.gov/pub/irs-pdf/p1819.pdf and

"Exemption, Standard Deduction, and Filing Information," at www.irs.gov/pub/irs-pdf/p501.pdf.

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FOR MORE INFORMATION, CONTACT

GAY & LESBIAN ADVOCATES & DEFENDERS

glad.org

LAMBDA LEGAL

lambdalegal.org

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U.S. DEPARTMENT OF THE TREASURY

Press Center

All Legal Same-Sex Marriages Will Be Recognized for Federal Tax Purposes

02/29/2013

Ruling Provides Certainty, Benefits and Protections Under Federal Tax Law for Same-Sex Married Couples

WASHINGTON — The U.S. Department of the Treasury and the Internal Revenue Service (IRS) today ruled that same-sex couples, legally married in jurisdictions that recognize their marriages, will be treated as married for federal tax purposes. The ruling applies regardless of whether the couple lives in a jurisdiction that recognizes same-sex marriage or a jurisdiction that does not recognize same-sex marriage.

The ruling implements federal tax aspects of the June 26th Supreme Court decision invalidating a key provision of the 1996 Defense of Marriage Act.

"Today's ruling provides certainty and clear, coherent tax filing guidance for all legally married same-sex couples nationwide. It provides access to benefits, responsibilities and protections under federal tax law that all Americans deserve," said Secretary Jacob J. Lew. "This ruling also assures legally married same-sex couples that they can move freely throughout the country knowing that their federal filing status will not change."

Under the ruling, same sex couples will be treated as married for all federal tax purposes, including income and gift and estate taxes. The ruling applies to all federal tax provisions where marriage is a factor, including filing status, claiming personal and dependency exemptions, taking the standard deduction, employee benefits, contributing to an IRA, and claiming the earned income tax credit or child tax credit.

Any same-sex marriage legally entered into in one of the 50 states, the District of Columbia, a U.S. territory, or a foreign country will be covered by the ruling. However, the ruling does not apply to registered domestic partnerships, civil unions, or similar formal relationships recognized under state law.

Legally-married same-sex couples generally must file their 2013 federal income tax return using either the "married filing jointly" or "married filing separately" filing status.

Individuals who were in same-sex marriages may, but are not required to, file original or amended returns choosing to be treated as married for federal tax purposes for one or more prior tax years still open under the statute of limitations.

Generally, the statute of limitations for filing a refund claim is three years from the date the return was filed or two years from the date the tax was paid, whichever is later. As a result, refund claims can still be filed for tax years 2010, 2011, and 2012. Some taxpayers may have special circumstances (such as signing an agreement with the IRS to keep the statute of limitations open) that permit them to file refund claims for tax years 2009 and earlier.

Additionally, employees who purchased same-sex spouse health insurance coverage from their employers on an after-tax basis may treat the amounts paid for that coverage as pre-tax and excludable from income.

How to File a Claim for Refund

Taxpayers who wish to file a refund claim for income taxes should use Form 1040X, *Amended U.S. Individual Income Tax Return*.

Taxpayers who wish to file a refund claim for gift or estate taxes should file Form 843, *Claim for Refund and Request for Abatement*.

For information on filing an amended return, go to Tax Topic 308, *Amended Returns* at <http://www.irs.gov/taxtopics/tc308.html> or the Instructions to Forms 1040X and 843. Information on where to file your amended returns is available in the instructions to the form.

Future Guidance

Treasury and the IRS intend to issue streamlined procedures for employers who wish to file refund claims for payroll taxes paid on previously-taxed health insurance and fringe benefits provided to same-sex spouses. Treasury and IRS also intend to issue further guidance on cafeteria plans and on how qualified retirement plans and other tax-favored arrangements should treat same-sex spouses for periods before the effective date of this Revenue Ruling.

Other agencies may provide guidance on other federal programs that they administer that are affected by the Code.

For Revenue Ruling 2013-17, click [here](#).

For Frequently Asked Questions, click [here](#).

For registered domestic partners who live in community property states, click [here](#) for Publication 555, *Community Property*.

Treasury and the IRS will begin applying the terms of Revenue Ruling 2013-17 on September 16, 2013, but taxpayers who wish to rely on the terms of the Revenue Ruling for earlier periods may choose to do so (as long as the statute of limitations for the earlier period has not expired).

###



Answers to Frequently Asked Questions for Individuals of the Same Sex Who Are Married Under State Law

The following questions and answers provide information to individuals of the same sex who are lawfully married (same-sex spouses). These questions and answers reflect the holdings in Revenue Ruling 2013-17 in 2013-38 IRB 201.

Q1. When are individuals of the same sex lawfully married for federal tax purposes?

A1. For federal tax purposes, the IRS looks to state or foreign law to determine whether individuals are married. The IRS has a general rule recognizing a marriage of same-sex spouses that was validly entered into in a domestic or foreign jurisdiction whose laws authorize the marriage of two individuals of the same sex even if the married couple resides in a domestic or foreign jurisdiction that does not recognize the validity of same-sex marriages.

Q2. Can same-sex spouses file federal tax returns using a married filing jointly or married filing separately status?

A2. Yes. For tax year 2013 and going forward, same-sex spouses generally must file using a married filing separately or jointly filing status. For tax year 2012 and all prior years, same-sex spouses who file an original tax return on or after Sept. 16, 2013 (the effective date of Rev. Rul. 2013-17), generally must file using a married filing separately or jointly filing status. For tax year 2012, same-sex spouses who filed their tax return before Sept. 16, 2013, may choose (but are not required) to amend their federal tax returns to file using married filing separately or jointly filing status. For tax years 2011 and earlier, same-sex spouses who filed their tax returns timely may choose (but are not required) to amend their federal tax returns to file using married filing separately or jointly filing status provided the period of limitations for amending the return has not expired. A taxpayer generally may file a claim for refund for three years from the date the return was filed or two years from the date the tax was paid, whichever is later. For information on filing an amended return, go to Tax Topic 308, Amended Returns, at <http://www.irs.gov/taxtopics/tc308.html>.

Q3. Can a taxpayer and his or her same-sex spouse file a joint return if they were married in a state that recognizes same-sex marriages but they live in a state that does not recognize their marriage?

A3. Yes. For federal tax purposes, the Service has a general rule recognizing a marriage of same-sex individuals that was validly entered into in a domestic or foreign jurisdiction whose laws authorize the marriage of two individuals of the same sex even if the married couple resides in a domestic or foreign jurisdiction that does not recognize the validity of same-sex marriages. The rules for using a married filing jointly or married filing separately status described in Q&A #2 apply to these married individuals.

Q4. Can a taxpayer's same-sex spouse be a dependent of the taxpayer?

A4. No. A taxpayer's spouse cannot be a dependent of the taxpayer.

Q5. Can a same-sex spouse file using head of household filing status?

A5. A taxpayer who is married cannot file using head of household filing status. However, a married taxpayer may be considered unmarried and may use the head-of-household filing status if the taxpayer lives apart from his or her spouse for the last 6 months of the taxable year and provides more than half the cost of maintaining a household that is the principal place of abode of the taxpayer's dependent child for more than half of the year. See Publication 501 for more details.

Q6. If same-sex spouses (who file using the married filing separately status) have a child, which parent may claim the child as a dependent?

A6. If a child is a qualifying child under section 152(c) of both parents who are spouses (who file using the married filing separate status), either parent, but not both, may claim a dependency deduction for the qualifying child. If both parents claim a dependency deduction for the child on their income tax returns, the IRS will treat the child as the qualifying child of the parent with whom the child resides for the longer period of time during the taxable year. If the child resides with each parent for the same amount of time during the taxable year, the IRS will treat the child as the qualifying child of the parent with the higher adjusted gross income.

Q7. Can a taxpayer who is married to a person of the same sex claim the standard deduction if the taxpayer's spouse itemized deductions?

A7. No. If a taxpayer's spouse itemized his or her deductions, the taxpayer cannot claim the standard deduction (section 63(c)(6)(A)).

Q8. If a taxpayer adopts the child of his or her same-sex spouse as a second parent or co-parent, may the taxpayer ("adopting parent") claim the adoption credit for the qualifying adoption expenses he or she pays or incurs to adopt the child?

A8. No. The adopting parent may not claim an adoption credit. A taxpayer may not claim an adoption credit for expenses incurred in adopting the child of the taxpayer's spouse (section 23).

Q9. Do provisions of the federal tax law such as section 66 (treatment of community income) and section 469(i)(5) (\$25,000 offset for passive activity losses for rental real estate activities) apply to same-sex spouses?

A9. Yes. Like other provisions of the federal tax law that apply to married taxpayers, section 66 and section 469(i)(5) apply to same-sex spouses because same-sex spouses are married for all federal tax purposes.

Q10. If an employer provided health coverage for an employee's same-sex spouse and included the value of that coverage in the employee's gross income, can the employee file an amended Form 1040 reflecting the employee's status as a married individual to recover federal income tax paid on the value of the health coverage of the employee's spouse?

A10. Yes, for all years for which the period of limitations for filing a claim for refund is open. Generally, a taxpayer may file a claim for refund for three years from the date the return was filed or two years from the date the tax was paid, whichever is later. If an employer provided health coverage for an employee's same-sex spouse, the employee may claim a refund of income taxes paid on the value of coverage that would have been excluded from income had the employee's spouse been recognized as the employee's legal spouse for tax purposes. This claim for a refund generally would be made through the filing of an amended Form 1040. For information on filing an amended return, go to Tax Topic 308, Amended Returns, at <http://www.irs.gov/taxtopics/tc308.html>.

For a discussion regarding refunds of social security and Medicare taxes, see Q&A #12.

Example. Employer sponsors a group health plan covering eligible employees and their dependents and spouses (including same-sex spouses). Fifty percent of the cost of health coverage elected by employees is paid by Employer. Employee A was married to same-sex Spouse B at all times during 2012. Employee A elected coverage for Spouse B through Employer's group health plan beginning Jan. 1, 2012. The value of the employer-funded portion of Spouse B's health coverage was \$250 per month.

The amount in Box 1, "Wages, tips, other compensation," of the 2012 Form W-2 provided by Employer to Employee A included \$3,000 (\$250 per month x 12 months) of income reflecting the value of employer-funded health coverage provided to Spouse B. Employee A filed Form 1040 for the 2012 taxable year reflecting the Box 1 amount reported on Form W-2.

Employee A may file an amended Form 1040 for the 2012 taxable year excluding the value of Spouse B's employer-funded health coverage (\$3,000) from gross income.

Q11. If an employer sponsored a cafeteria plan that allowed employees to pay premiums for health coverage on a pre-tax basis, can a participating employee file an amended return to recover income taxes paid on premiums that the employee paid on an after-tax basis for the health coverage of the employee's same-sex spouse?

A11. Yes, for all years for which the period of limitations for filing a claim for refund is open. Generally, a taxpayer may file a claim for refund for three years from the date the return was filed or two years from the date the tax was paid, whichever is later. If an employer sponsored a cafeteria plan under which an employee elected to pay for health coverage for the employee on a pre-tax basis, and if the employee purchased coverage on an after-tax basis for the employee's same-sex spouse under the employer's health plan, the employee may claim a refund of income taxes paid on the premiums for the coverage of the employee's spouse. This claim for a refund generally would be made through the filing of an amended Form 1040. For information on filing an amended return, go to Tax Topic 308, Amended Returns, at <http://www.irs.gov/taxtopics/tc308.html>. For a discussion regarding refunds of social security and Medicare taxes, see Q&A #12.

Example. Employer sponsors a group health plan as part of a cafeteria plan with a calendar year plan year. The full cost of spousal and dependent coverage is paid by the employees. In the open enrollment period for the 2012 plan year, Employee C elected to purchase self-only health coverage through salary reduction under Employer's cafeteria plan. On March 1, 2012, Employee C was married to same-sex spouse D. Employee C purchased health coverage for Spouse D through Employer's group health plan beginning March 1, 2012. The premium paid by Employee C for Spouse D's health coverage was \$500 per month.

The amount in Box 1, "Wages, tips, other compensation," of the 2012 Form W-2 provided by Employer to Employee C included the \$5,000 (\$500 per month x 10 months) of premiums paid by Employee C for Spouse D's health coverage. Employee C filed Form 1040 for the 2012 taxable year reflecting the Box 1 amount reported on Form W-2.

Employee C's salary reduction election is treated as including the value of the same-sex spousal coverage purchased for Spouse D. Employee C may file an amended Form 1040 for the 2012 taxable year excluding the premiums paid for Spouse D's health coverage (\$5,000) from gross income.

Q12. In the situations described in FAQ #10 and FAQ #11, may the employer claim a refund for the social security taxes and Medicare taxes paid on the benefits?

A12. Yes. If the period of limitations for filing a claim for refund is open, the employer may claim a refund of, or make an adjustment for, any excess social security taxes and Medicare taxes paid. The requirements for filing a claim for refund or for making an adjustment for an overpayment of the employer and employee portions of social security and Medicare taxes can be found in the Instructions for Form 941-X, Adjusted Employer's Quarterly Federal Tax Return or Claim for Refund. A special administrative procedure for employers to file claims for refunds or make adjustments for excess social security taxes and Medicare taxes paid on same-sex spouse benefits will be provided in forthcoming guidance to be issued by the IRS in the near future.

Q13. In the situations described in Q&A #10 and Q&A #11, may the employer claim a refund or make an adjustment of income tax withholding that was withheld from the employee with respect to the benefits in prior years?

A13. No. Claims for refunds of overwithheld income tax for prior years cannot be made by employers. The employee may file for any refund of income tax due for prior years on Form 1040X, provided the period of limitations for claiming a refund has not expired. See Q&A #10 and Q&A #11. Employers may make adjustments for income tax withholding that was overwithheld from an employee in the current year provided the employer has repaid or reimbursed the employee for the overwithheld income tax before the end of the calendar year.

Q14. If an employer cannot locate a former employee with a same-sex spouse who received the benefits described in Q&A #10 and Q&A #11, may the employer still claim a refund of the employer portion of the social security and Medicare taxes on the benefits?

A14. Yes, if the employer makes reasonable attempts to locate an employee who received the benefits described in Q&A #10 and Q&A #11 that were treated as wages but the employer is unable to locate the employee, the employer can claim a refund of the employer portion of Social Security and Medicare taxes, but not the employee portion. Also, if an employee is notified and given the opportunity to participate in the claim for refund of Social Security and Medicare taxes but declines in writing, the employer can claim a refund of the employer portion of the taxes, but not the employee portion. Employers can use the special administrative procedure that will be set forth in forthcoming guidance to file these claims.

Q15. If a sole proprietor employs his or her same-sex spouse in his or her business, can the sole proprietor get a refund of Social Security, Medicare and FUTA taxes on the wages that the sole proprietor paid to the same-sex spouse as an employee in the business?

A15. Services performed by an employee in the employ of his or her spouse are excluded from the definition of employment for purposes of the Federal Unemployment Tax Act (FUTA). Therefore, for all years for which the period of limitations is open, the sole proprietor can claim a refund of the FUTA tax paid on the compensation that the sole proprietor paid his or her same-sex spouse as an employee in the business. Services of a spouse are excluded from Social Security and Medicare taxes only if the services are not in the course of the employer's trade or business, or if it is domestic service in a private home of the employer.

Q16. What rules apply to qualified retirement plans pursuant to Rev. Rul. 2013-17?

A16. Qualified retirement plans are required to comply with the following rules pursuant to Rev. Rul. 2013-17:

1. A qualified retirement plan must treat a same-sex spouse as a spouse for purposes of satisfying the federal tax laws relating to qualified retirement plans.
2. For purposes of satisfying the federal tax laws relating to qualified retirement plans, a qualified retirement plan must recognize a same-sex marriage that was validly entered into in a jurisdiction

whose laws authorize the marriage, even if the married couple lives in a domestic or foreign jurisdiction that does not recognize the validity of same-sex marriages.

3. A person who is in a registered domestic partnership or civil union is not considered to be a spouse for purposes of applying the federal tax law requirements relating to qualified retirement plans, regardless of whether that person's partner is of the opposite or same sex.

Q17. What are some examples of the consequences of these rules for qualified retirement plans?

A17. The following are some examples of the consequences of these rules:

1. Plan A, a qualified defined benefit plan, is maintained by Employer X, which operates only in a state that does not recognize same-sex marriages. Nonetheless, Plan A must treat a participant who is married to a spouse of the same sex under the laws of a different jurisdiction as married for purposes of applying the qualification requirements that relate to spouses.
2. Plan B is a qualified defined contribution plan and provides that the participant's account must be paid to the participant's spouse upon the participant's death unless the spouse consents to a different beneficiary. Plan B does not provide for any annuity forms of distribution. Plan B must pay this death benefit to the same-sex surviving spouse of any deceased participant. Plan B is not required to provide this death benefit to a surviving registered domestic partner of a deceased participant. However, Plan B is allowed to make a participant's registered domestic partner the default beneficiary who will receive the death benefit unless the participant chooses a different beneficiary.

Q18. As of when do the rules of Rev. Rul. 2013-17 apply to qualified retirement plans?

A18. Qualified retirement plans must comply with these rules as of Sept. 16, 2013. Although Rev. Rul. 2013-17 allows taxpayers to file amended returns that relate to prior periods in reliance on the rules in Rev. Rul. 2013-17 with respect to many matters, this rule does not extend to matters relating to qualified retirement plans. The IRS has not yet provided guidance regarding the application of *Windsor* and these rules to qualified retirement plans with respect to periods before Sept. 16, 2013.

Q19. Will the IRS issue further guidance on how qualified retirement plans and other tax-favored retirement arrangements must comply with *Windsor* and Rev. Rul. 2013-17?

A19. The IRS intends to issue further guidance on how qualified retirement plans and other tax-favored retirement arrangements must comply with *Windsor* and Rev. Rul. 2013-17. It is expected that future guidance will address the following, among other issues:

1. Plan amendment requirements (including the timing of any required amendments).
2. Any necessary corrections relating to plan operations for periods before future guidance is issued.

Q20. Can a same-sex married couple elect to treat a jointly owned and operated unincorporated business as a Qualified Joint Venture?

A20. Yes. Spouses that wholly own and operate an unincorporated business and that meet certain other requirements may avoid Federal partnership tax treatment by electing to be a Qualified Joint Venture. For more information on Qualified Joint Ventures, see the tax topic "Husband and Wife Business" at <http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Husband-and-Wife-Business>.

Related item:

- [IR-2013-72](#), Treasury and IRS Announce That All Legal Same-Sex Marriages Will Be Recognized For Federal Tax Purposes; Ruling Provides Certainty, Benefits and Protections Under Federal Tax Law for Same-Sex Married Couples

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LGBT ORGANIZATIONS FACT SHEET SERIES: **AFTER DOMA** WHAT IT MEANS FOR YOU

The Supreme Court victory in *United States v. Windsor* striking down the discriminatory federal Defense of Marriage Act (DOMA) affirms that all loving and committed couples who are married deserve equal legal respect and treatment from the federal government. The demise of DOMA marks a turning point in how the United States government treats the relationships of married same-sex couples for federal programs that are linked to being married. At the same time, a turning point is part of a longer journey, not the end of the road. There is much work ahead before same-sex couples living across the nation can enjoy all the same protections as their different-sex counterparts.

Keep In Mind:

- The Supreme Court's ruling in *Windsor* applies only to the federal government. It does not change discriminatory state laws excluding same-sex couples from state-conferred marriage rights.
- Federal agencies—large bureaucracies—may need and take some time to change forms, implement procedures, train personnel, and efficiently incorporate same-sex couples into the spousal-based system.
- Until same-sex couples can marry in every state in the nation, there will be uncertainty about the extent to which same-sex spouses will receive federal marital-based protections nationwide. For federal programs that assess marital status based on the law of a state that does not respect marriages of same-sex couples, those state laws will likely pose obstacles for legally married couples and surviving spouses in accessing federal protections and responsibilities.
- Securing fair access to federal protections that come with marriage for all same-sex couples in the nation will take some time and work. In some situations, it may require Congressional action or formal rule-making by agencies.
- Before making a decision, it is essential that you consult an attorney for individualized legal advice. This is particularly important for people who are on certain public benefits, as getting married may jeopardize your eligibility without providing you the full measure of protections other married couples enjoy. In addition, couples who travel to another place to marry and then return to live in a state that does not respect their marriage may be unfairly unable to obtain a divorce, which can lead to serious negative legal and financial consequences. People must make careful decisions when and where to marry, even as we work together to end this injustice.
- We are committed to winning universal access to federal marital protections for married same-sex couples through ongoing public policy advocacy and, where necessary, strategic litigation. Contact our organizations if you have questions, for updates and to learn more about what you can do to achieve full equality for those who are LGBT.

This Guidance is intended to provide general information regarding major areas of federal marriage-based rights and protections based on how the various federal agencies have administered federal benefits. It should not be construed as legal advice or a legal opinion on any specific facts or circumstances, and does not create an attorney-client relationship. But practice is no guarantee of future developments. While laws and legal procedure are subject to frequent change and differing interpretations in the ordinary course, this is even more true now as the federal government dismantles DOMA and extends federal protections to same-sex couples. None of the organizations publishing this information can ensure the information is current or be responsible for any use to which it is put.

No tax advice is intended, and nothing therein should be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.

Contact a qualified attorney in your state for legal advice about your particular situation.

PRIVATE EMPLOYMENT ISSUES AND BENEFITS

Although discrimination against married same-sex couples under the Defense of Marriage Act (DOMA) did not bar private employers from offering most spousal employment benefits to employees' same-sex spouses, it subjected same-sex couples to discriminatory tax treatment and other forms of unequal treatment. For example, married same-sex couples had to pay additional income taxes on the value of employer-sponsored health insurance that married different-sex couples did not need to pay, and married same-sex couples who divorced were barred by federal law from obtaining a court order sharing pension benefits as part of a divorce agreement.

Now that DOMA has been struck down, we urge married same-sex couples with employer-sponsored retirement benefits to *immediately review your beneficiary designations and form of benefit elections* to ensure that your designations and elections are accurate and complete, and that they reflect your wishes. Your rights may have changed, and waiting may hurt you and your family.

This Guidance addresses some of the marriage-related issues regarding employer-sponsored retirement plans and health insurance benefits that are regulated by federal law.

For more information about federal regulation of employee benefits, see:

www.dol.gov/ebsa/faqs/faq_compliance_pension.html

www.aging.senate.gov/records/pension2.pdf

What rights does federal law provide to married employees with respect to employer-sponsored health insurance benefits?

If your spouse is covered under your employer's health plan *and* you are considered validly-married by the federal government, you and your spouse should be eligible for the following additional federal protections:

- The value of your spouse's health insurance will not be treated as taxable income to you (the employee) or to your spouse.
- Your spouse and children have the right to remain in your health plan if you lose your job or your hours are reduced, or if you divorce or separate. This is known as "COBRA coverage" or "COBRA continuation coverage." While your employer has to allow you and your children and spouse to remain insured, you can be required to pay the full cost of those benefits. (Nothing prevents a plan from providing continuation coverage to domestic partners, but such coverage is not *required* by federal law.)
- While most health plans only let you enroll at specific times, marriage or divorce are "qualifying events" that will let you enroll or un-enroll outside those specific time periods.

In addition to these protections, you and your spouse may have other rights under state law.

This series of fact sheets produced together by:

American Civil Liberties Union | Center for American Progress | Family Equality Council | Freedom to Marry | Gay & Lesbian Advocates & Defenders
Human Rights Campaign | Immigration Equality | Lambda Legal | National Center for Lesbian Rights | National Gay and Lesbian Task Force | OutServe-SLDN.

What rights does federal law provide to married employees with respect to private retirement benefits?

If you are considered validly married by the federal government and eligible for a pension or other employer-sponsored retirement plan, federal law has specific requirements that your plan *must* follow in order to maintain tax-qualified status:

- The default form of benefit for a defined benefit pension plan (i.e., a traditional pension that guarantees a specific monthly payment at retirement) must be a joint and survivor spousal annuity (QJSA). This means that a portion of your pension will continue to be paid to your spouse if you die before your spouse does, although you and your spouse together can decide to waive this right and name someone else as the beneficiary.
- If you die before reaching retirement age, your spouse is entitled to a pre-retirement survivor annuity (QPSA) from a defined benefit pension plan.
- Your spouse has to give written consent if you want to name anyone else as your beneficiary for your retirement plan.
- Being married entitles your spouse to more options in taking distributions (regarding the timing of payments, and the amount you can receive) from your retirement plan, and to preferential tax treatment of those distributions.
- Your plan may also allow you to take money out of a retirement account without tax penalty to pay expenses like medical costs, tuition, or funeral expenses for your spouse.
- Finally, if you get divorced, the courts can ensure that your ex-spouse receives a portion of your retirement plan assets as part of the divorce agreement. This is called a Qualified Domestic Relations Order, or QDRO.

Which marriages will be considered valid by the federal government for benefits purposes?

- If you live in a state that respects your marriage: The federal government will consider your marriage valid, and you have a right to all the protections that are required to be offered to spouses under federal law.
- If you live in a state that doesn't respect your marriage: Because some of these programs are regulated by the Internal Revenue Service and the Department of Labor, it may take some time to obtain guidance from the relevant agencies as to which marriages will be treated as valid by the federal government. There may be some initial uncertainty for a period of time because the IRS ordinarily follows the law of the state of domicile (primary residence) in determining whether to recognize a marriage. However, there is no statute or regulation compelling this approach, and the IRS has recognized "common law" marriages for tax purposes as long as they were valid in the state where they were entered into. In our mobile society, it would make more sense for the federal government to recognize all marriages that were valid where entered. If you encounter problems or have questions, contact one of the legal organizations listed below.

Which employers are subject to the federal laws that regulate pensions and other employment benefits?

These federal laws generally apply to employers that offer retirement and health benefits, sometimes referred to as "ERISA plans." Some of these requirements, particularly the retirement plan obligations, do not apply to

federal, state, or local government employers, or to churches or religious associations or conventions of churches (although some religious employers choose to be governed by these federal laws). Health plans maintained by private-sector employers with 20 or more employees, employee organizations, or state or local governments are covered by COBRA.

Does my employer have to change its pension plan before my spouse will be entitled to these protections, or will my spouse automatically be eligible?

It depends on what your plan documents say, and may depend on which kind of benefit is at issue. If your plan, like most, simply refers to "spouses," your employer doesn't necessarily need to change anything in order to include spouses of the same sex. If your plan states that "spouse" means only different-sex couples, or is determined by reference to the law of a state that does not respect your marriage, your plan documents likely need to be revised to comply with federal law. But, you and your spouse should be entitled to protections in the meantime even if your plan doesn't change its language. Talk with someone in your human resources department. If you still have questions, contact one of the organizations listed below, or a lawyer who specializes in employee benefits.

What should I do if I am told that my plan won't cover my spouse?

If your employer or your retirement or health plan tells you that your spouse will not be treated as different-sex spouses are, it may be important to act quickly to preserve your rights. Sometimes the issue can be cleared up with a conversation, but you must follow the specific time limits to appeal determinations made by your plan. Contact one of the organizations listed below, or a lawyer who specializes in employee benefits.

If my employer decides to start allowing spouses of the same sex to enroll in the health plan, when can I enroll my spouse? Will I need to wait until open enrollment?

It depends. Generally, "marriage" is a qualifying event for adding a spouse to the health plan. Even if you may have already been married for several years before DOMA was struck down, you should ask your employer if this change in federal law is a qualifying event. It's also possible that some plans will wait until the next open enrollment season in advance of a new plan year to allow employees to make changes to their benefits to add spouses who had been unable to obtain coverage previously.

What if I got divorced while DOMA was still in effect, and I was unable to get an order sharing my retirement savings with my ex-spouse as part of my divorce?

Federal law has strong protections for your retirement savings, and generally prevents your plan from paying benefits to anyone but you or your beneficiary. One exception allows you to share those savings with your ex-spouse as part of a divorce agreement. This is called a Qualified Domestic Relations Order, or QDRO. If you were unable to obtain a QDRO when you divorced and now want to seek one, consult a qualified attorney about whether it is possible to re-open the divorce proceeding.

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What if my spouse retired or died while DOMA was in effect, and I was told I was not entitled to a spousal survivor annuity?

It's possible, though not certain, that you still might be able to receive a survivor annuity (QJSA or QPSA). If you did, you would continue to receive payments, but you also might have to pay back some of the money your spouse has already received from the plan, since taking a QJSA ordinarily means that the employee receives a lower payment at retirement, so that his or her spouse can continue to receive some of the benefit if the employee dies before the spouse. We recommend that you talk with an employee benefits lawyer to find out whether it would make sense to apply for a spousal annuity in your individual circumstances.



FOR MORE INFORMATION, CONTACT

AMERICAN CIVIL LIBERTIES UNION

aclu.org/lgbt

NATIONAL CENTER FOR LESBIAN RIGHTS

nclrights.org

GAY & LESBIAN ADVOCATES & DEFENDERS

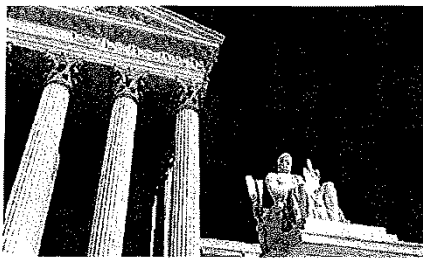
glad.org

LAMBDA LEGAL

lambdalegal.org

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Keep In Mind:

- The Supreme Court's ruling in *Windsor* applies only to the federal government. It does not change discriminatory state laws excluding same-sex couples from state-conferred marriage rights.
- Federal agencies—large bureaucracies—may need and take some time to change forms, implement procedures, train personnel, and efficiently incorporate same-sex couples into the spousal-based system.
- Until same-sex couples can marry in every state in the nation, there will be uncertainty about the extent to which same-sex spouses will receive federal marital-based protections nationwide. For federal programs that assess marital status based on the law of a state that does not respect marriages of same-sex couples, those state laws will likely pose obstacles for legally married couples and surviving spouses in accessing federal protections and responsibilities.
- Securing fair access to federal protections that come with marriage for all same-sex couples in the nation will take some time and work. In some situations, it may require Congressional action or formal rule-making by agencies.
- Before making a decision, it is essential that you consult an attorney for individualized legal advice. This is particularly important for people who are on certain public benefits, as getting married may jeopardize your eligibility without providing you the full measure of protections other married couples enjoy. In addition, couples who travel to another place to marry and then return to live in a state that does not respect their marriage may be unfairly unable to obtain a divorce, which can lead to serious negative legal and financial consequences. People must make careful decisions when and where to marry, even as we work together to end this injustice.
- We are committed to winning universal access to federal marital protections for married same-sex couples through ongoing public policy advocacy, and, where necessary, strategic litigation. Contact our organizations if you have questions, for updates and to learn more about what you can do to achieve full equality for those who are LGBT.

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No tax advice is intended, and nothing therein should be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.

Contact a qualified attorney in your state for legal advice about your particular situation.

BENEFITS AND PROTECTIONS FOR CIVILIAN FEDERAL EMPLOYEES AND THEIR SPOUSES

(UPDATED JULY 2, 2013)

Current and former civilian employees of the federal government may be eligible for an array of protections and benefits for their spouses. The following offers general information about major categories of such protections and benefits. Current and former federal employees and their spouses and surviving spouses should obtain more specific information about their particular circumstances and rights. The federal Office of Personnel Management ("OPM") administers benefit programs for current and former federal civilian employees. OPM's website provides extensive information on these programs and contact information for making further inquiries. See www.opm.gov.

In addition, on June 28, 2013, following the Supreme Court's June 26, 2013 ruling in *United States v. Windsor*, OPM issued a Memorandum for Heads of Executive Departments and Agencies, titled "Guidance on the Extension of Benefits to Married Gay and Lesbian Federal Employees, Annuitants, and Their Families." This Memorandum, available at www.chcoc.gov/transmittals/TransmittalDetails.aspx?TransmittalID=5700, contains initial information about OPM's extension of benefits to federal employees and annuitants who have legally married a spouse of the same sex. *It includes important information about timing to apply for certain benefits.* Consult the June 28, 2013 Memorandum for additional information, and continue to check OPM's website for updates.

There may be initial uncertainty about how OPM will process some types of applications for benefits and protections for employees' spouses. There may also be uncertainty about how the federal government will treat marriages for particular purposes if the state where the employee works and/or lives does not respect the employee's marriage. Federal employees and their spouses with questions about these issues may contact OPM and their agency's Chief Human Capital Officer. Our organizations will endeavor to provide any updates as we acquire more information. Please contact the legal organizations listed below if you encounter problems or have additional questions.

HEALTH BENEFITS FOR SPOUSES UNDER THE FEDERAL EMPLOYEE HEALTH BENEFITS PROGRAM (FEHB)

Spouses of federal employees may be eligible for employer-provided health insurance coverage. The types of health plans, premium levels, and application requirements may vary depending on the federal agency and the state where the employee works or lives. See www.opm.gov/healthcare-insurance/healthcare-plan-information/. Employees should check with OPM and/or their agency human resources staff for more information.

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Q. If a federal employee gets married, can the employee add the new spouse to the employee's health insurance plan?

A. Generally, a federal employee's marriage is considered a "qualifying life event" (QLE), when an employee may change his or her insurance coverage by adding the new spouse to the employee's policy. The employee must submit the enrollment change between 31 days before to 60 days after the QLE, i.e., the marriage. For more information on adding a spouse as a QLE, go to: www.opm.gov/healthcare-insurance/life-events/.

Q. Can a federal employee who is already married add his or her spouse to the employee's health insurance plan now that DOMA has been struck down??

A. OPM's June 28, 2013 Memorandum, excerpted here, provides answers to this question:

Employees and annuitants will have 60 days from June 26, 2013 [the date of the Supreme Court's *Windsor* opinion] until August 26, 2013, to make immediate changes to their FEHB enrollment. Enrollees will continue to be eligible to make changes to their coverage options during Open Season later this year. For those employees and annuitants who already have a Self and Family Insurance plan, coverage for their same-sex spouse will begin immediately upon their notifying their FEHB carrier that there is a newly eligible family member. For those employees and annuitants electing Self and Family for the first time, benefits will be effective on the first day of the first pay period after the enrollment request is received. While online enrollment systems are updated, it may be necessary for employees and annuitants to update their elections using the paper (rather than electronic) version of the SF2809 form. [SF2809 form is available at: www.chcnc.gov/transmittals/TransmittalDetails.aspx?TransmittalID=5700]

The federal government also has a regular annual FEHB "Open Season" period when an employee may make changes to the employee's enrollment status, including the addition of a spouse to the employee's coverage. In 2012, the FEHB Open Season ran from November 12 -- December 10, 2012, during which period changes could be made for the 2013 plan year. OPM generally posts information about an upcoming Open Season in October. See www.opm.gov/healthcare-insurance/healthcare/plan-information/enroll/#Employees.

In addition, under certain circumstances, loss of pre-existing health insurance coverage by an employee's spouse is a QLE, allowing the employee to add the spouse to the employee's FEHB plan outside of Open Season. See www.opm.gov/healthcare-insurance/healthcare/plan-information/changes-you-can-make-outside-of-open-season/.

Q. Can the spouse of a federal employee who retires continue health insurance coverage on the employee's FEHB plan?

A. A spouse of an employee is eligible to continue health benefits coverage upon the federal employee's retirement if:

- t the employee is entitled to retire on an immediate annuity under a retirement system for civilian employees, and
- t the non-employee spouse has been covered as a family member in any FEHB plan for the 5 years of the federal employee's service immediately before the date the annuity starts, or for the full period of service since the spouse's first opportunity to enroll (if less than 5 years).

See www.opm.gov/healthcare-insurance/healthcare/reference-materials/reference/annuitants-and-compensationers/.

Q. If a federal employee divorces, can the employee's spouse remain on the employee's FEHB plan?

A. Divorce, annulment or legal separation are QLEs, when an employee can make changes to the employee's plan outside of the Open Season. See www.opm.gov/healthcare-insurance/healthcare/plan-information/changes-you-can-make-outside-of-open-season/.

A federal employee's spouse loses eligibility for coverage under the employee's Self and Family Plan when a divorce decree ending the marriage becomes final. However, the spouse may be entitled either to temporary continuation of coverage or to convert to an individual policy with the employee's insurance carrier. After divorce, a former spouse of an employee may under certain circumstances be eligible for coverage under "spouse equity" provisions.

See www.opm.gov/healthcare-insurance/healthcare/reference-materials/reference/former-spouses/.

Q. If the employee lives in a state that does not recognize the marriages of same-sex couples, is the employee still entitled to FEHB coverage for a same-sex spouse?

A. We believe that the federal employee should be entitled to have his or her validly-entered marriage respected by the federal government for purposes of FEHB spousal coverage, even if the employee lives in a state that does not respect the employee's marriage. There is no statute or regulation prohibiting FEHB coverage for such spouses. However, there may be some initial uncertainty about how the federal government will process applications for spousal coverage from employees living in states that do not respect the employees' marriages. If an employee or spouse encounters problems or questions, they should contact a legal organization listed below.

BENEFITS FOR SPOUSES UNDER THE FEDERAL EMPLOYEE DENTAL AND VISION INSURANCE PROGRAM (FEDVIP)

Dental and vision benefits are available to eligible federal employees and their eligible family members, including spouses, on an enrollee-pay-all basis. For general information, see www.opm.gov/healthcare-insurance/dental-vision/.

Q. Can a federal employee obtain FEDVIP dental and vision insurance for the employee's spouse?

A. Yes. A marriage is a qualifying life event (QLE), allowing a federal employee to add the spouse to dental and vision coverage by submitting the enrollment change between 31 days before and 60 days after the marriage.

See www.benefeds.com/BenefedHelp/FEDVIP/qualifying_life_events.htm. A federal employee can also add the spouse to FEDVIP during the annual Federal Benefits Open Season.

According to OPM's June 28, 2013 Memorandum, OPM is also allowing current FEDVIP enrollees to make enrollment changes during a 60-day period from June 26, 2013 until August 26, 2013. Current FEDVIP enrollees can call BENEFEDS (877-888-FEDS (3337)) directly to make the necessary enrollment changes. Current enrollees will also be able to make changes to their coverage options during Open Season later in the year, and individuals wishing to enroll in FEDVIP for the first time may also do so at that point as well.

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Q. If a federal employee divorces, can the former spouse retain FEDVIP dental and vision coverage?

A. No. Unlike for FEHB health insurance coverage, former spouses of federal employees are ineligible for continued FEDVIP coverage. See www.opm.gov/healthcare-insurance/dental-vision/eligibility/.

Q. Can the spouse of a federal employee who retires continue dental and vision insurance coverage on the employee's FEDVIP plan?

A. Yes.

Q. If the employee lives in a state that does not recognize the marriages of same-sex couples, is the employee still entitled to FEDVIP coverage for a same-sex spouse?

A. We believe that the federal employee should be entitled to have his or her validly-entered marriage respected by the federal government for purposes of FEDVIP spousal coverage, even if the employee lives in a state that does not respect the employee's marriage. There is no statute or regulation prohibiting FEDVIP coverage for such spouses. However, there may be some initial uncertainty about how the federal government will process applications for spousal coverage from employees living in states that do not respect the employees' marriages. If an employee encounters problems or questions, they should contact a legal organization listed below.

FEDERAL LONG TERM CARE INSURANCE PROGRAM (FLTCIP)

The Federal Long Term Care Insurance Program (FLTCIP) provides long term care insurance to help pay for costs of care when enrollees need help with activities they perform every day, or if they have a severe cognitive impairment, such as Alzheimer's disease. Federal employees and annuitants and their qualified relatives are eligible to apply for insurance coverage under the FLTCIP. Spouses, as well as domestic partners, are qualified relatives who can apply for the long term insurance coverage. See www.opm.gov/healthcare-insurance/long-term-care/.

Q. Now that DOMA has been struck down, when can my spouse apply for long-term care insurance under FLTCIP?

A. According to OPM's June 28, 2013 Memorandum, same-sex spouses of federal employees have 60 days from June 26, 2013, to apply for FLTCIP coverage, with abbreviated underwriting.

Q. If the employee lives in a state that does not recognize the marriages of same-sex couples, can a federal employee's same-sex spouse apply for long term insurance coverage?

A. We believe that the federal employee should be entitled to have his or her validly-entered marriage respected by the federal government for purposes of FLTCIP spousal coverage, even if the employee lives in a state that does not respect the employee's marriage. There is no statute or regulation prohibiting FLTCIP coverage for such spouses. In addition, already the domestic partner of an employee may apply for FLTCIP coverage. If an employee or spouse encounters problems or questions, they should contact a legal organization listed below.

FEDERAL EMPLOYEES' GROUP LIFE INSURANCE PROGRAM (FEGLI)

The FEGLI program offers some group life insurance protections for the spouse of a federal employee.

Q. How does a spouse of a federal employee become a beneficiary of the employee's FEGLI policy?

A. Eligible federal employees are automatically enrolled in "Basic" insurance, providing an insurance benefit to a beneficiary upon the death of the employee. Federal employees may also opt to purchase additional insurance to benefit a beneficiary upon the employee's death. A federal employee may designate a person of the employee's choice to be the beneficiary of these FEGLI policies. This person could be the employee's spouse or unmarried domestic partner. If the federal employee has not designated anyone as beneficiary, the employee's surviving spouse automatically takes priority as beneficiary. An employee can update and change a beneficiary designation. See www.opm.gov/healthcare-insurance/life-insurance/reference-materials/handbook.pdf#page=39.

Q. Can a federal employee purchase FEGLI group life insurance to insure the employee's spouse?

A. Eligible federal employees can purchase an "Option C" FEGLI policy to insure the life of the employee's spouse. Upon the death of the spouse, insurance proceeds will be paid to the employee. An employee may elect Option C coverage on a spouse by submitting an election for the coverage within 60 days of the marriage, which is considered a qualifying life event, or during an Open Season. www.opm.gov/healthcare-insurance/life-insurance/reference-materials/handbook.pdf#page=39.

According to OPM's June 28, 2013 Memorandum, employees will have 60 days from June 26, 2013, until August 26, 2013, to make changes to their FEGLI enrollment to add newly eligible same-sex spouses and children under Option C.

It is important to note that FEGLI Open Seasons do not occur on an annual basis and are held only when specifically scheduled by OPM, so employees may not have another opportunity in the near future to make these changes.

Q. If the employee lives in a state that does not recognize the marriages of same-sex couples, can a federal employee's same-sex spouse qualify as a spouse for FEGLI purposes?

A. We believe that the spouse would be eligible to apply for the coverage if the spouse lives in a state that does not respect the couple's marriage. There is no statute or regulation dictating a different approach. However, there may be some initial uncertainty about whether the federal government will recognize for FEGLI purposes the marriages of employees living in states that do not respect the employees' marriages.

For extra protection, federal employees who want their same-sex spouses to be the beneficiaries of the employees' FEGLI policies can formally designate their spouses as their beneficiaries and not rely only on the default rule making a surviving spouse the beneficiary when no express designation has been made. That way, it should not matter whether there could have been any question whether OPM would recognize the marriage depending on the law of the particular state where the couple has lived. The spouse will

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have been expressly designated as the beneficiary of the employee's FEGLI policies and protected as a beneficiary.

If an employee or spouse encounters problems or questions, they should contact a legal organization listed below.

FEDERAL FAMILY AND MEDICAL LEAVE ACT (FMLA) BENEFITS AND OTHER FAMILY-RELATED LEAVE

Federal employees are entitled to take leave under certain circumstances to care for a spouse or to arrange and attend a spouse's funeral.

Q. Can a federal employee take FMLA leave to care for a spouse?

A. Yes. Under the Family and Medical Leave Act of 1993 (FMLA), federal employees are entitled to a total of up to 12 work weeks of unpaid leave during any 12-month period for:

- † the care of a spouse who has a serious health condition, or
- † in the event of a qualifying exigency arising because a spouse is on covered active duty or has been notified of an impending call or order to covered active duty in the Armed Forces.

Under certain conditions, an employee may use the 12 weeks of FMLA leave intermittently. An employee under some circumstances may elect to substitute annual leave and/or a limited amount of sick leave for any unpaid leave under the FMLA. FMLA leave is in addition to other paid time off available to an employee.

Federal employees may also be entitled to a total of 26 weeks of leave during any 12-month period to care for a spouse in the military who has become injured or ill in the line of duty while on active duty.

Q. What job benefits and protections does a federal employee receive under the FMLA?

A. Upon return from FMLA leave, an employee must be returned to the same position or to an equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment. An employee who takes FMLA leave is also entitled to maintain health benefits coverage. An employee on unpaid FMLA leave may pay the employee share of the premiums on a current basis or pay upon return to work.

Q. Must an employee provide notice of intent to take family and medical leave to care for a spouse?

A. Yes, an employee must provide notice of his or her intent to take family and medical leave not less than 30 days before leave is to begin or, in emergencies, as soon as is practicable. An agency may request medical certification for FMLA leave taken to care for an employee's spouse who has a serious health condition.

For more information on FMLA leave to care for the spouse of a federal employee, see www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/family-and-medical-leave/.

Q. Does a federal employee have other protections if he or she needs to take leave because something happens to the employee's spouse?

A. A federal employee may use up to 13 days of annual sick leave under certain circumstances to care for a family member or attend the family

member's funeral. "Family member" includes a spouse, and, under a 2010 federal regulation, an unmarried domestic partner as well. The sick leave may be used to:

- † provide care for a family member, including a spouse or domestic partner, who is incapacitated as a result of physical or mental illness, injury, pregnancy, or childbirth;
- † attend to a family member receiving medical, dental, or optical examination or treatment;
- † provide care under certain circumstances for a family member who has been exposed to a communicable disease; or
- † make arrangements necessitated by the family member's death or attend the family member's funeral.

See www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/sick-leave-for-family-care-or-bereavement-purposes/.

Q. If the employee lives in a state that does not recognize the marriages of same-sex couples, is the employee still entitled to FMLA leave to care for a same-sex spouse?

A. We believe that the federal employee should be entitled to have his or her validly-entered marriage respected by the federal government for federal FMLA, even if the employee lives in a state that does not respect the employee's marriage. There may be some initial uncertainty about how the federal government will process requests for federal FMLA leave to care for spouses from employees living in states that do not respect the employees' marriages. If an employee encounters problems or questions, they should contact a legal organization listed below.

FEDERAL FLEXIBLE SPENDING ACCOUNT (FSAFEDS)

An FSAFEDS account is an account in which an eligible federal employee can contribute money from the employee's salary BEFORE taxes are withheld, and then receive reimbursement for family out-of-pocket health care—including a spouse's health expenses—and dependent care expenses.

Q. If a federal employee's marital status changes, can the employee change his or her flexible spending account (FSA) election accordingly?

A. A federal employee may change the FSA election between 31 days before and 60 days after a Qualifying Life Event (QLE), including marriage, legal separation, divorce, or the death of a spouse. See www.fsa-feds.com/forms/gsfact.pdf. Otherwise, the employee may make changes to his or FSA election during the annual Open Season. See www.opm.gov/healthcare-insurance/flexible-spending-accounts/.

The OPM's June 28, 2013 Memorandum advises that "[a]ll employees who are in legal same-sex marriages will now be able to submit claims for medical expenses for their same-sex spouse and any newly qualifying (step)children to their flexible spending program."

Q. If a federal employee lives in a state that does not respect his or her marriage to a spouse of the same sex, will the employee's spouse be treated as a family member whose health expenses may be reimbursed from the FSAFEDS account?

A. Because the FSAFEDS benefit is a tax benefit regulated by the Internal Revenue Service (IRS), the answer awaits guidance from OPM and/or the IRS. The IRS ordinarily follows the law of the state of domicile (primary

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residence) in determining whether to recognize a marriage. However, the IRS has recognized "common law" marriages for tax purposes as long as they were valid where celebrated, even if they are not recognized in the state of domicile. In our mobile society, it would make more sense for the IRS to use a place of celebration rule, under which a marriage is recognized by the federal government so long as it was valid where entered, for all marriages and not just for "common law" marriages. Our organizations are encouraging use of the place of celebration rule as broadly as possible. If an employee or spouse encounters problems or questions, they should contact a legal organization listed below. *This is not intended as tax advice; consult with your own tax advisor for information about your own situation.*

RETIREMENT AND SURVIVORS BENEFITS (CSRS, FERS)

Eligible federal employees are entitled to federal retirement benefits under either the Civil Service Retirement System (CSRS), or the Federal Employees Retirement System (FERS). Each of these plans includes certain benefits for the employee's spouse.

Q. What kinds of benefits are available to spouses of retired employees through CSRS or FERS?

A. There are several types of benefits available to spouses of retired employees under FERS and CSRS. The two programs do not have entirely identical coverage; check www.opm.gov for more information on specific benefits available under FERS or CSRS. The types of benefits generally available include:

1. **Basic employee death benefit:** The spouse of an employee or retiree with a CSRS or FERS plan may receive a basic employee death benefit in the form of a one-time lump sum payment. For more information, see www.opm.gov/retirement-services/csrs-information/survivors/#url=Death-Survivor-Benefits

2. **Survivor annuity:** The surviving spouse of a federal employee with a FERS or CSRS account may receive a survivor annuity in the form of a monthly payment after that employee's death. Federal employees have a portion of their paychecks withheld, which goes toward their retirement accounts. Upon retirement, an employee wishing to provide a survivor annuity to his or her spouse receives a reduced fixed sum out of this account each month until death (a monthly annuity). If the employee has a surviving spouse, that spouse may be eligible to receive a monthly survivor's annuity after the employee dies, based on a percentage of the amount of the employee's monthly annuity.

To qualify for the monthly benefit the surviving spouse must have been married to the employee for at least nine months, or, if the death occurred before nine months, a survivor annuity may still be payable if the employee's death was accidental, or there was a child born of the marriage.

Monthly benefits may also be paid to the former spouse of a deceased employee under a court order. A former spouse must also meet the nine month marriage requirement and the employee must have re-elected to provide a survivor annuity to his or her former spouse within two years of the divorce being final or must have provided for the survivor annuity in the divorce decree.

See www.opm.gov/retirement-services/fers-information/survivors/#url=Overview.

3. **Lump sum payment:** A lump sum payment is made when an employee dies without anyone who qualifies to receive a survivor annuity and a balance remains in the retirement account. The employee may make an

advance designation of beneficiary to receive such a lump payment. If the employee has not made an advance designation, the employee's surviving spouse has first priority to receive the lump sum payment. See www.opm.gov/retirement-services/csrs-information/survivors/#url=No-Beneficiary.

Q. Now that DOMA has been struck down, when can retirees married to same-sex spouses make changes to their retirement benefits based on their marital status?

A. OPM's June 28, 2013 Memorandum provides the following information:

All retirees who are in legal same-sex marriages will have two years from the date of the Supreme Court's decision (i.e., June 26, 2015) to inform OPM that they have a legal marriage that now qualifies for recognition and elect any changes to their retirement benefits based on their recognized marital status. In the coming days, OPM will be developing guidance to help retirees determine whether they wish to change their pension benefits in a way that will provide benefits for their surviving spouse. Retirees will need to determine whether this option makes sense for them, as making this election will likely result in a deduction to the monthly annuity that the retiree currently receives. Going forward, the same-sex spouses of retiring employees will be eligible for survivor annuities.

Q. Can a spouse receive a survivor annuity regardless of whether the employee married before or after retiring?

A. Widow(er)s who were married to the employee at the time of the employee's retirement are entitled to an annuity, unless the spouse consents not to receive the annuity. See www.opm.gov/retire/pubs/handbook/C052.pdf. If a federal employee marries after retirement and wants the spouse to be able to receive an annuity, generally the employee must file an election within two years of the date of the marriage. See www.opm.gov/retirement-services/my-annuity-and-benefits/life-events/#url=MarriageDivorce. However, see the preceding Q&A for OPM's June 28, 2013 guidance and timing information for retirees with same-sex spouses.

Q. If a federal employee lives in a state that does not respect his or her marriage to a spouse of the same sex, will the employee's spouse qualify as a spouse for federal FERS or CSRS purposes?

A. There currently is uncertainty about this. Existing federal regulations applying to FERS and CSRS define "marriage" as "a marriage recognized in law or equity under the whole law of the jurisdiction with the most significant interest in the marital status of the employee . . . or retiree." See 5 C.F.R. § 843.102 (FERS); 5 C.F.R. § 831.603 (CSRS). Applying this definition to other types of marriages, courts and the OPM have generally considered the jurisdiction with the most significant interest to be the place where the couple predominately lived while the employee was working, after retirement, and/or at the time of the employee's death. This may mean that a federal employee who has never lived or worked in a state that respects the employee's marriage may be deemed not to qualify for protections for the employee's spouse under those regulations. However, the federal government may interpret the regulations and the circumstances of married same-sex couples to permit recognition of such marriages. It may also amend the regulations to clarify that same-sex couples who entered into marriages valid where celebrated, regardless of where the couple happens to live, will be respected as married for FERS and CSRS purposes. That process would likely take months. Our organizations are encouraging adoption of such a "place of celebration" rule to allow a same-sex couple's marriage to be recognized for such federal purposes wherever they live or relocate.

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**ETHICS AND CONFLICTS OF INTERESTS RULES GOVERNING
FEDERAL EMPLOYEES AND THEIR SPOUSES**

Federal employees and their spouses should also be aware that ethics and conflicts of interest rules governing the conduct of federal employees and their spouses will now apply to same-sex married couples. Federal employees and same-sex spouses should be alert to such considerations and seek advice from their own counsel if they have questions. The United States Office of Government Ethics may offer additional information. See www.oge.gov.

**FOR MORE INFORMATION, CONTACT**

LAMBDA LEGAL
lambdalegal.org

GAY & LESBIAN ADVOCATES & DEFENDERS
glad.org

AMERICAN CIVIL LIBERTIES UNION
aclu.org/lgbt

NATIONAL CENTER FOR LESBIAN RIGHTS
nclrights.org

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**Office of
Personnel Management**
The Federal Government's Human Resources Agency



Benefits Administration Letter

Number: 13-203

Date: July 17, 2013

Subject: Coverage of Same-Sex Spouses

Section 3 of the Defense of Marriage Act (DOMA) provided that, when used in a Federal law, the term "marriage" would mean only a legal union between one man and one woman as husband and wife, and that the term "spouse" referred only to a person of the opposite sex who is a husband or a wife. Because of DOMA, the Federal government has been prohibited from recognizing the legal marriages of same-sex couples for purposes of Federal benefit programs.

On June 26, 2013, the Supreme Court ruled that Section 3 of DOMA is unconstitutional. As a result of this decision, the United States Office of Personnel Management is now able to extend benefits to legally married same-sex spouses of Federal employees and annuitants. For purposes of benefits coverage, you must follow the same procedures you currently follow when enrolling an opposite-sex spouse or child(ren) of an opposite-sex marriage. The purpose of this letter is to provide information that will assist you in implementing this change and counseling employees.

General Information

- Because existing same-sex marriages were not recognized by the Federal government before this Supreme Court decision, all legal same-sex marriages that predate the decision are being treated as new marriages; enrollees will have 60 days from June 26, 2013 (i.e., until August 26, 2013) for enrollment actions.
- Benefits coverage is now available to a legally married same-sex spouse of a Federal employee or annuitant, regardless of the employee's or annuitant's state of residency.
- Legal same-sex marriages entered into following this decision will be treated in the same manner as opposite-sex marriages, regardless of an employee's or annuitant's state of residency.
- For FEHB and FEGLI, we encourage employing offices to exercise flexibility in the use of their belated enrollments authority for enrollment actions following the 60-day time period.
- FEHB and FEDVIP carriers will be instructed to follow the same procedures they follow when adding or providing coverage for an opposite-sex spouse or child(ren) of opposite-sex marriages.
- The Supreme Court's decision addressed the constitutionality of a statute that defined "marriage" and "spouse" for purposes of federal law to include only opposite-sex

couples. Therefore, same-sex couples who are in a civil union or other forms of domestic partnership other than marriage will remain ineligible for most Federal benefits programs. There is no change to the benefits OPM has extended, to the extent permissible under the law, to same-sex domestic partners. The Federal Long Term Care Insurance Program regulations allow those individuals who satisfy the domestic partnership standard to be treated as qualifying relatives for Federal/postal employees and annuitants.

- From this point forward, the word “spouse” in any OPM documentation pertaining to the programs discussed in this BAL refers to both same and opposite-sex spouses, the word “marriage” refers to both same and opposite-sex marriages, and the word “child” refers to children of both same and opposite-sex marriages. If there is a need to differentiate between same and opposite-sex spouses, their marriages or child(ren), OPM will do so explicitly.
- If you have an electronic enrollment system, please do the necessary testing and updating to ensure that enrollees will not encounter problems when enrolling their newly eligible spouses or child(ren). If system updates cannot be made immediately, please provide your employees with the appropriate paper forms that will allow for enrollment actions to occur before the system has been updated. For FEHB, please use SF 2809 and for FBGLI SF 2817.

Federal Employees Health Benefits (FEHB) Program

What are the changes to FEHB Program family member eligibility rules?

As a result of the Supreme Court’s decision, legally married same-sex spouses will now be eligible family members under a Self and Family enrollment. **Coverage is available to a legally married same-sex spouse of a Federal employee or annuitant, regardless of his or her state of residency.** This decision does not extend coverage to registered domestic partners or individuals in civil unions.

In addition, the children of same-sex marriages will be treated in the same manner as those of opposite-sex marriages and will be eligible family members according to the same eligibility guidelines. This includes coverage for children of same-sex spouses as stepchildren.

Example: Tonya is an FEHB enrollee. She and her same-sex spouse, Sally, have two children together but Tonya is not biologically related to the children nor has she adopted them. Based on the eligibility changes, Tonya can cover Sally and their children under her Self and Family enrollment. If Tonya already has a Self and Family enrollment, she may contact her carrier directly to notify it of her newly eligible family members. If Tonya has a Self Only enrollment, she will need to complete an SF 2809 to change her enrollment to Self and Family.

These changes to family member eligibility are effective immediately.

When will new enrollments and enrollment changes based on the Court’s decision be effective?

OPM will consider the date of the Court’s decision as the date of the event that permits the

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On June 26, 2013, the Supreme Court ruled that Section 3 of DOMA is unconstitutional. As a result of this decision, the United States Office of Personnel Management is now able to extend benefits to legally married same-sex spouses of Federal employees and annuitants. For purposes of benefits coverage, you must follow the same procedures you currently follow when enrolling an opposite-sex spouse or child(ren) of an opposite-sex marriage. The purpose of this letter is to provide information that will assist you in implementing this change and counseling employees.

General Information

- Because existing same-sex marriages were not recognized by the Federal government before this Supreme Court decision, all legal same-sex marriages that predate the decision are being treated as new marriages; enrollees will have 60 days from June 26, 2013 (i.e., until August 26, 2013) for enrollment actions.
- Benefits coverage is now available to a legally married same-sex spouse of a Federal employee or annuitant, regardless of the employee's or annuitant's state of residency.
- Legal same-sex marriages entered into following this decision will be treated in the same manner as opposite-sex marriages, regardless of an employee's or annuitant's state of residency.
- For FEHB and FEGLI, we encourage employing offices to exercise flexibility in the use of their belated enrollments authority for enrollment actions following the 60-day time period.
- FEHB and FEDVIP carriers will be instructed to follow the same procedures they follow when adding or providing coverage for an opposite-sex spouse or child(ren) of opposite-sex marriages.
- The Supreme Court's decision addressed the constitutionality of a statute that defined "marriage" and "spouse" for purposes of federal law to include only opposite-sex

enrollment or change. Employees and annuitants will have from June 26, 2013, until August 26, 2013, to make changes to their FEHB enrollment. Employees, but not annuitants, may also enroll during this time. Specific effective dates are as follows:

- If an employee enrolls or changes from Self Only to Self and Family to cover a spouse, the enrollment or change is effective on the first day of the first pay period that begins after the date the employing office receives the appropriate request and that follows a pay period during any part of which the employee is in pay status.
- If an annuitant changes from Self Only to Self and Family to cover a spouse, the change is effective on the first day of the first pay period that begins after the date the retirement system receives the appropriate request.
- If the employee chooses to enroll or change to Self and Family based on acquiring a child, the change is effective on the first day of the pay period in which the child became an eligible family member for FEHB purpose, June 26, 2013. Annuitants may also choose to change to Self and Family based on acquiring a child.

Note: The Self and Family premium begins on the effective date of the change to Self and Family, but coverage for the child and spouse cannot begin until the actual date of the Supreme Court's decision (when the child becomes an eligible family member) or date of the marriage (if after the decision). There is no pay status requirement under this circumstance.

- We encourage employing offices to exercise flexibility in the use of their belated enrollments authority for enrollment actions following the 60-day time period. When a belated enrollment is allowed, employing offices should provide an additional 60 days to make enrollment changes—for a period of up to 6 months following the release of the Supreme Court decision. When processing a late election, indicate the reason for doing so in the Remarks section of the 2809. Coverage will be effective the first day of the first pay period that begins after the date the enrollment change is received.

What does an individual need to do to cover a spouse or a child who is now eligible?

If an enrollee currently has a Self and Family enrollment, his/her newly eligible spouse or child(ren) will be automatically covered as of June 26, 2013. Enrollees should notify their FEHB Program plan carrier about their newly eligible spouse and child(ren). Enrollees do NOT need to complete an SF 2809. Just like any other newly eligible family member, carriers may ask for documentation, such as a valid marriage license, to confirm eligibility, but carriers will be instructed to follow the same procedures they currently follow when adding a spouse or child to a Self and Family enrollment. Carriers will be cautioned against imposing any new rules in response to the Supreme Court's decision that could be seen as having either the purpose or effect of creating barriers to enrollment for legally married same-sex couples.

If an enrollee currently has a Self Only enrollment and would like to change to a Self and Family enrollment in order to add his/her same-sex spouse or newly eligible child(ren), he/she

must do so by August 26, 2013. Individuals must use an SF 2809 or their agency self-service enrollment system to make an enrollment change. The life event code to use on the SF 2809 is "1C" for employees participating in premium conversion, "2B" for annuitants (including OWCP recipients), "4C" for former employees on TCC, and "5C" for employees not participating in premium conversion. If an enrollee does not change his or her election during the 60-day window and is not allowed a belated enrollment, he/she must wait until the annual Open Season or another Qualifying Life Event to make an enrollment change.

If an employee is not currently enrolled in the FEHB Program and would like to enroll in a Self and Family plan to cover his/her newly eligible family members, he/she must do so by August 26, 2013. Employees must use an SF 2809 or their agency self-service enrollment system. The QLE code is '1C' for employees participating in premium conversion, '2B' for annuitants (including OWCP recipients), and '5C' for employees not participating in premium conversion.

If an employee does not change his or her election during the 60-day window and is not allowed a belated enrollment, he/she must wait until the annual Open Season or another Qualifying Life Event to enroll in a plan. Open Season will begin in November 2013. New enrollments made during Open Season will be effective on the first day of the first pay period that begins in January 2014, and that follows a pay period during any part of which the employee is in a pay status.

Annuitants not enrolled in FEHB may not enroll based on a new or newly eligible marriage.

For employees who participate in premium conversion, cancellation of an FEHB enrollment will only be allowed in order to avoid dual enrollments. If two FEHB enrollees are married and newly eligible as spouses based on the Supreme Court decision, the employees may consolidate their FEHB enrollments into one Self and Family enrollment by cancelling one enrollment and making changes, if needed, to the other. FEHB enrollees are encouraged to notify their FEHB carrier of any newly eligible family members under a Self and Family enrollment.

Note: Cancellation is allowed at any time by (1) annuitants and (2) employees who waived participation in premium conversion.

How will same-sex marriages entered into following the issue of this letter be treated?

For purposes of FEHB coverage, along with the other benefits discussed in this BAL, legal same-sex marriages entered into after the issue date of this letter will be treated in the same manner as opposite-sex marriages and will trigger a QLE. Benefits coverage will be available to a legally married same-sex spouse of a Federal employee or annuitant, regardless of the employee's or annuitant's state of residency.

How will same-sex divorces be treated following the issue of this letter?

For purposes of FEHB coverage, along with the other benefits discussed in this BAL, same-sex divorces following the issue date of this letter will be treated in the same manner as opposite-sex divorces and will trigger a QLE.

Federal Employees Group Life Insurance (FEGLI)

What are the changes to the FEGLI eligibility rules?

Legally married same-sex spouses and children of legal same-sex marriages are now eligible family members under the FEGLI Program. This means that same-sex spouses and children of same-sex marriages are covered under Option C life insurance and the order of precedence in the same manner as opposite-sex spouses and children of opposite-sex marriages.

Coverage of a same-sex spouse or children of same-sex marriages under an Option C enrollment is available to any legally married same-sex spouse of any Federal employee or annuitant, regardless of the employee's or annuitant's state of residency. This decision does not extend to registered domestic partners or individuals in a civil union.

These changes to eligibility are effective immediately. Employees will have 60 days from June 26, 2013 (i.e., until August 26, 2013) to make changes to their FEGLI enrollment. We encourage employing offices to exercise flexibility in the use of their belated enrollments authority for enrollment actions following the 60-day time period. When a belated enrollment is allowed, employing offices should provide an additional 60 days to make enrollment changes—for a period of up to 6 months following the release of the Supreme Court decision. Coverage will be effective retroactive to the first day of the first pay period following the one including June 26, 2013, and the enrollee will be responsible for retroactive premiums.

How can an employee or annuitant cover his or her same-sex spouse under an Option C FEGLI enrollment?

If an employee or annuitant has already purchased Option C coverage, a legally married same-sex spouse is automatically covered under the existing enrollment.

If an employee does not have Option C and wishes to elect it or to increase his/her number of multiples to cover newly eligible family members, he/she must do so by August 26, 2013. The employee or annuitant needs to complete an SF 2817. Even if the marriage occurred more than 60 days prior to the Supreme Court's decision, the life event allowing the change to cover a same-sex spouse is the (newly recognized) marriage. If the coverage is for a formerly ineligible child, the life event is acquisition of a newly eligible child. The life event code for adding either a spouse or child(ren) of a same-sex marriage is 2.

Employees who have waived Basic and/or Optional FEGLI coverage will be allowed to cancel their waiver based on a change of family circumstances. Employees with no coverage will be allowed to enroll in Basic and any Optional insurance up to the maximum. For those with existing FEGLI coverage, they will be allowed to newly elect or increase Optional insurance up to the maximum. New enrollments or changes to existing enrollments must be made by August 26, 2013.

Annuitants will not be allowed to cancel a waiver for Basic and/or Optional FEGLI coverage, nor will they be allowed to increase their multiples of Option B or C coverage if they are already enrolled.

Federal Employees Dental and Vision (FEDVIP) Program

What are the changes to the FEDVIP eligibility rules?

As a result of the Supreme Court decision, legally married same-sex spouses will now be eligible family members under a Self and Family enrollment or a Self Plus One enrollment. Coverage is now available to any legally married same-sex spouse of any Federal employee or annuitant, regardless of the employee's or annuitant's state of residency. This decision does not extend FEDVIP coverage to registered domestic partners or individuals in civil unions.

In addition, the children of same-sex marriages will be treated in the same manner as those of opposite-sex marriages and will be eligible family members according to the same eligibility guidelines. This includes coverage for children of same-sex spouses as stepchildren.

These changes are effective immediately. Enrollees will have 60 days from June 26, 2013, (i.e., until August 26, 2013) to make changes to their FEDVIP enrollment.

What does an individual need to do to cover a spouse or a child who is now eligible?

If an enrollee currently has a Self and Family enrollment, the enrollee must notify BENEFEDS of any additional family members by calling the BENEFEDS Customer Service Center, (1-877-888-3337) within 60 days from June 26, 2013 (i.e., until August 26, 2013). As with any other newly eligible family member, carriers may ask for documentation such as a valid marriage license to confirm eligibility, but carriers will be instructed to follow the same procedures they usually follow when adding an opposite-sex spouse to a Self and Family enrollment. Carriers will be cautioned against imposing any new rules in response to the Supreme Court's decision that could be seen as having either the purpose or effect of creating barriers to enrollment for legally married same-sex couples.

If an enrollee currently has a Self Only enrollment or a Self Plus One enrollment and would like to change enrollment in order to cover the enrollee's same-sex spouse or newly eligible child(ren), he/she must do so by August 26, 2013. Enrollees may submit a change by calling the BENEFEDS Customer Service Center. Enrollees with a Self Plus One enrollment hoping to change their covered family member must wait until the annual Open Season.

Will new enrollments be allowed?

Marriage is not an event that permits a new FEDVIP enrollment. Employees, annuitants, and compensationers who are not enrolled in FEDVIP will not be allowed to enroll in a FEDVIP plan until the annual Open Season.

Federal Long-Term Care Insurance Program (FLTCIP)

What are the changes to FLTCIP eligibility rules?

Legally married same-sex spouses of Federal employees and annuitants are now qualified relatives eligible to apply for FLTCIP coverage. The Supreme Court decision does not change the existing FLTCIP policy that allows same-sex domestic partners of Federal/postal employees and annuitants to enroll as qualifying relatives.

May FLTCIP eligible individuals and/or their newly eligible spouses apply for coverage with abbreviated underwriting as a result of the Supreme Court decision?

FLTCIP eligible individuals and their qualifying relatives may apply for coverage at any time. Because same-sex marriages were not recognized by the Federal government prior to the Supreme Court decision, same-sex marriages that predate the decision will be considered new marriages on June 26, 2013. Newly eligible legally married same-sex spouses of current employees and active members of the uniformed services will have 60 days from June 26, 2013 (i.e., until August 26, 2013), to apply for coverage with abbreviated underwriting. After the 60-day opportunity to enroll, same-sex spouses of current employees and active members of the uniformed services will be subject to full underwriting. Newly eligible legally married same-sex spouses of annuitants, retired members of the uniformed services and other qualifying relatives, such as parents-in-law, may apply to enroll at any time and are subject to full underwriting.

May current enrollees increase, decrease, or cancel their coverage as a result of the Supreme Court decision?

Enrollees may increase, decrease, or cancel their coverage at any time. Increases in coverage made outside of Open Season, including those made as a result of the Supreme Court decision, are subject to full underwriting (§875.406).

Will parents of a same-sex spouse of an eligible workforce member be qualified relatives under FLTCIP?

Yes, parents of legally married same-sex spouses will be eligible as qualified relatives of Federal employees, postal employees, or active members of the Uniformed Services, just as the parents of opposite-sex spouses are. Parents of annuitants are not eligible as qualified relatives.

For more information about the FLTCIP, please contact Long Term Care Partners at 1(800)582-3337, or visit the website at www.ltcfed.com.

Federal Flexible Spending Accounts (FSAFEDS)

What are the changes to FSAFEDS reimbursement eligibility?

Effective immediately, an employee who is enrolled in FSAFEDS may request reimbursement for eligible health care expenses incurred by a legally married same-sex spouse or related child. In addition, childcare for a child of an enrollee's same-sex spouse is eligible under a Dependent Care FSA. The ability to seek reimbursement from an FSA account for the health care expenses of an employee's child will depend on IRS dependency rules, with the limited exception that children who are eligible to submit claims through the end of the calendar year in which they turn age 26 are eligible under a Health Care FSA without regard to tax or residence dependency.

Can an individual now enroll or make a change in the amount of an election?

Yes. Because same-sex marriages were not recognized by the Federal government prior to this Supreme Court decision, all Federal employees in legal same-sex marriages that predated this decision will be considered to have a change in family status (from unmarried to married) on June 26, 2013. As a result, employees in existing same-sex marriages will have 60 days following the date of the decision (i.e., until August 26, 2013) to enroll in or make changes to their existing FSAFEDS account. Any changes made to the account must be consistent with the life event. In this case, newly eligible spouses and/or children may result in an increased, but not a decreased, election. If an enrollee does not change his or her election during the 60-day window, he/she must wait until the annual Open Season or another Qualifying Life Event to make an enrollment change.

Note: New enrollments and increased elections based on a QLE will not be accepted after September 30, 2013.

Need more information? Call FSAFEDS at 1-877-372-3337/ TTY 1-800-952-0450.

If you have any questions about the information provided in this letter, please contact your Headquarters Insurance Officer. If you are a Headquarters Insurance Officer, please contact Barbara Myers (Barbara.Myers@opm.gov) or Amber Hudson (Amber.Hudson@opm.gov) for operational questions. For policy questions, please contact Chelsea Ruediger (Chelsea.Ruediger@opm.gov).

Sincerely,

John O'Brien
Director for Healthcare and Insurance



The Supreme Court victory in *United States v. Windsor* striking down the discriminatory federal Defense of Marriage Act (DOMA) affirms that all loving and committed couples who are married deserve equal legal respect and treatment from the federal government. The demise of DOMA marks a turning point in how the United States government treats the relationships of married same-sex couples for federal programs that are linked to being married. At the same time, a turning point is part of a longer journey, not the end of the road. There is much work ahead before same-sex couples living across the nation can enjoy all the same protections as their different-sex counterparts.

Keep in Mind:

- The Supreme Court's ruling in *Windsor* applies only to the federal government. It does not change discriminatory state laws excluding same-sex couples from state-conferred marriage rights.
- Federal agencies—large bureaucracies—may need and take some time to change forms, implement procedures, train personnel, and efficiently incorporate same-sex couples into the spousal-based system.
- Until same-sex couples can marry in every state in the nation, there will be uncertainty about the extent to which same-sex spouses will receive federal marital-based protections nationwide. For federal programs that assess marital status based on the law of a state that does not respect marriages of same-sex couples, those state laws will likely pose obstacles for legally married couples and surviving spouses in accessing federal protections and responsibilities.
- Securing fair access to federal protections that come with marriage for all same-sex couples in the nation will take some time and work. In some situations, it may require Congressional action or formal rule-making by agencies.
- Before making a decision, it is essential that you consult an attorney for individualized legal advice. This is particularly important for people who are on certain public benefits, as getting married may jeopardize your eligibility without providing you the full measure of protections other married couples enjoy. In addition, couples who travel to another place to marry and then return to live in a state that does not respect their marriage may be unfairly unable to obtain a divorce, which can lead to serious negative legal and financial consequences. People must make careful decisions when and where to marry, even as we work together to end this injustice.
- We are committed to winning universal access to federal marital protections for married same-sex couples through ongoing public policy advocacy, and, where necessary, strategic litigation. Contact our organizations if you have questions, for updates and to learn more about what you can do to achieve full equality for those who are LGBT.

This Guidance is intended to provide general information regarding major areas of federal marriage-based rights and protections based on how the various federal agencies have administered federal benefits. It should not be construed as legal advice or a legal opinion on any specific facts or circumstances, and does not create an attorney-client relationship. Past practice is no guarantee of future developments. While laws and legal procedure are subject to frequent change and differing interpretations in the ordinary course, this is even more true now as the federal government dismantles DOMA and extends federal protections to same-sex couples. None of the organizations publishing this information can ensure the information is current or be responsible for any use to which it is put.

No tax advice is intended, and nothing therein should be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.

Contact a qualified attorney in your state for legal advice about your particular situation.

MEDICARE SPOUSAL PROTECTIONS

This guidance addresses the spousal protections of Medicare, the federal health insurance program for adults 65 and older, as well as for certain younger people with disabilities. Several aspects of Medicare are implicated by whether a person is married, including eligibility based on a spouse's work history, premium amounts, and enrollment penalty exemptions related to remaining on a spouse's private health plan. Access to these Medicare protections was blocked or affected by the federal Defense of Marriage Act (DOMA). Now that DOMA has been declared unconstitutional by the United States Supreme Court, this guidance summarizes the benefits, who qualifies, special concerns, and how to apply.

For more information, visit the federal Medicare website, www.medicare.gov and the Social Security Administration's Medicare page, www.ssa.gov/pgm/medicare.htm.

INTRODUCTION TO MEDICARE BENEFITS AND WHO MAY BE CONSIDERED A SPOUSE

Medicare is a federal health insurance program designed to help senior citizens and those with certain disabilities with the costs of health care. It has four major components:

- Medicare Part A - hospital insurance, covering inpatient stays in hospitals, skilled nursing facilities, and hospice care, and some types of home health care.
- Medicare Part B - medical insurance, covering medically necessary doctors' services, outpatient care, medical supplies, and preventive services. (Together, Parts A & B are known as "Original Medicare.")
- Medicare Part C - Medicare Advantage Plans, which are private health plans that contract with Medicare to provide both Part A and Part B benefits, as well as, most often, prescription drug coverage.
- Medicare Part D - prescription drug coverage added to Original Medicare, as well as to some types of Part C plans with no drug coverage.

For most people, becoming eligible for Medicare is as simple as turning 65 years old, but other aspects of the program – requirements and amounts of premiums, eligibility for certain types of plans, and timing for enrollment, among them – may turn on your work history, your access to other health care, your health status, and your income. In several situations, having a spouse alters the way you access these benefits. This publication is designed to address those circumstances.

For more information on the basics of Medicare benefits, see Centers for Medicare and Medicaid Servs., *Medicare & You 2013*, at www.medicare.gov/publications/pubs/pdf/10050.pdf, or Social Security Administration, *Medicare*, at www.ssa.gov/pubs/EN-05-10043.pdf.

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Who is considered a spouse for purpose of Medicare?

The definition of spouse for purposes of Medicare is tied to the same definitions for purposes of Social Security. A person is a spouse for purposes of Medicare if:

- She/he is validly married under the law of the state where she/he lives at the time of filing for benefits; or
- She/he has the same rights as a husband or wife for purposes of the distribution of intestate personal property under the laws of the state where she/he lives at the time of filing for benefits.

See Social Security Administration, *Program Operations System Manual*, §§ HI 00801.022, HI 00805.266, RS 00202.001; Social Security Handbook § 306.1, at www.socialsecurity.gov/OP_Home/handbook/handbook.03/handbook-0306.html.

Does this definition apply to married same-sex couples who live in a state that recognizes their marriage?

Yes. Social Security law provides that a person is considered a spouse if the courts of the state where the person lives at the time of filing the application would find that the couple was validly married, or if a spouse has died, the state where the spouse died would find that the couple was validly married. See 42 U.S.C.A. § 416 (h)(1)(A)(i).

Does this definition apply to couples who have comprehensive spousal statuses like civil unions or registered domestic partnerships in those states that recognize those statuses?

Although this is untested, we think the answer should be yes if you live in a state that recognizes your relationship as one in which you could inherit personal property without a will as a spouse would. The Social Security law states that even if the state law of domicile at the time of application would find that you are not married, you are nevertheless eligible for spousal benefits if you can inherit personal property without a will under your state's law as would a "wife, husband, widow or widower." 42 U.S.C. § 416(h)(1)(A)(ii). All of the state civil union and registered domestic partner laws allow intestate inheritance as a spouse, as do the more limited laws in places such as Wisconsin. Consult a local practitioner to learn more about your state's relationship recognition and intestacy laws.

What if we got married in a state that allows same-sex couples to marry, but I live in a state that does not recognize my marriage? Am I eligible for Medicare's spousal-based benefits?

For purposes of Medicare, federal law likely prevents legally married same-sex couples who live in states that discriminate against their marriages from accessing spousal benefits on equal terms. The Social Security statute uses a "place of domicile" rule that assesses marital status based on the law of the state of domicile (i.e., primary residence), and this will likely result in the agency denying crucial benefits to same-sex couples. Our organizations will be working urgently to attain respect for all marriages regardless of where you live, but for Medicare, it will take changes in the law.

What if I entered into a civil union or comprehensive domestic partnership but I live in a state that does not recognize those spousal statuses and would not consider us to be spouses? Am I eligible for Medicare spousal benefits?

Unfortunately, for the same reasons discussed above, the answer is likely no. Medicare looks to the law of the place where you live when you apply for benefits, and if your home state does not recognize you as a spouse or allow you to inherit as a spouse, neither will Medicare.

I used to live in a state that recognizes the spousal relationships of same-sex couples, but have since moved to a state that does not. Am I eligible for Medicare spousal benefits?

If you applied for the benefit while living in a state that respected your marriage or allowed you to inherit without a will as a spouse and only moved *after* you started receiving benefits, you should continue receiving your Medicare benefits in your new home state, regardless of its own relationship recognition laws because benefits are determined by your marital status in the state where you applied for benefits.

If you moved before applying for benefits, then as discussed above, discriminatory state laws will likely block your access to spousal-based benefits until such time as Medicare law includes a "place of celebration" rule, recognizing your marriage for federal Medicare purposes if it was valid where entered, rather than the current "place of domicile" rule.

MEDICARE ELIGIBILITY BASED ON SPOUSAL WORK HISTORY**How does being married affect my eligibility for Medicare Part A?**

Ordinarily, for a person age 65 or older to obtain Medicare Part A without paying a premium, you must have paid Social Security and Medicare payroll taxes while working for forty quarters, or about ten years. If you do not have enough credits on your own, however, you may qualify for Part A benefits without paying a premium or paying a reduced premium based on your spouse's work history. Under some circumstances, you may even qualify based on the work record of a deceased or ex-spouse. Otherwise, you can buy into Part A, but you must pay a monthly premium of up to \$441 and there are penalties for failing to buy Part A coverage when you are first eligible.

Who is eligible for no-premium Medicare Part A based on a spouse's work history?

To qualify for Medicare Part A with no premium based on a spouse's work history, you must

- Be at least 65 years old;
- Be a United States citizen or a legal resident for five years; and
- Have a current or former spouse who is at least 62 years old and receives or is eligible to receive Social Security or railroad retirement benefits (having worked at least 40 quarters, or 10 years) or has worked the same length in a government job where Medicare taxes were paid, with the following limitations:
 - If you are currently spouses, you have to have been spouses for at least one year before applying.

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- If you are divorced, you must have been recognized as spouses for at least 10 years, and you must be single at the time of application.
- If you are widowed, you must have been recognized as spouses for at least nine months under the law of the state where your spouse lived before she/he died, and you must be single.

See the section above on who is recognized as a spouse for Medicare purposes. To qualify for a reduced premium based on a spouse's work history, the spouse has to have worked 30 quarters (at least seven and a half years), but the same parameters apply regarding length of the marriage, divorce, and death.

For more general information about Part A enrollment, see Centers for Medicare and Medicaid Servs., *Enrolling in Medicare Part A & Part B*, at www.medicare.gov/Pubs/pdf/11036.pdf

Social Security, *Medicare*, at:

www.ssa.gov/pubs/EN-05-10043.pdf

www.ssa-custhelp.ssa.gov/app/answers/detail/a_id/400/-/how-to-qualify-for-medicare

www.cms.gov/Medicare/Eligibility-and-Enrollment/OrigMedicarePartABEligEnrol/index.html?redirect=/origmedicarepartabeligenrol/01-overview.asp; 42 U.S.C. § 426, § 1395i-2(d).

How do I enroll in Medicare Part A when I am qualifying based on my spouse's work history?

If you already receive retirement benefits based on your spouse's work history from Social Security or the Railroad Retirement Board, you will be automatically enrolled for both parts of Original Medicare starting the first day of the month in which you turn 65.

If you are close to 65, but are not receiving retirement benefits, you have to sign up. If you are eligible for Part A without having to pay a premium, you can sign up at any time, starting three months before the month in which you will turn 65. (By contrast, if you are required to pay a premium, you may only enroll during one of three designated enrollment periods.)

To enroll, you can call Social Security at 18007721213, enroll online at www.socialsecurity.gov/medicareonly/, or make an appointment at your local Social Security Office, which you can find at www.secure.ssa.gov/ICON/main.jsp.

For more information, see www.medicare.gov/sign-up-change-plans/get-parts-a-and-b/when-sign-up-parts-a-and-b/when-sign-up-parts-a-and-b.html; Centers for Medicare and Medicaid Servs., *Medicare & You*, at www.medicare.gov/publications/pubs/pdf/10050.pdf; Centers for Medicare and Medicaid Servs., *Enrolling in Medicare Part A & Part B*, at www.medicare.gov/Pubs/pdf/11036.pdf.

What if I am paying a premium for Part A because DOMA prevented me from qualifying on my spouse's work history? Can I qualify for premium-free Part A now? Can I get the money I paid for premiums back?

It remains to be seen, but this is an area where we expect agency guidance to be forthcoming. At a minimum, it should be clear that you can ask to have your premium reduced or eliminated going forward based on your spouse's work history, but we do not yet know how the agency will process those requests or whether there will be any way to seek relief for past premiums. Medicare law allows the Social Security Administration to provide

equitable relief to people whose Part A or B enrollment or coverage rights "have been prejudiced by the error, misrepresentation, action or inaction of an employee or agent of the Government. This relief may include, but is not limited to, providing special enrollment and/or coverage periods and appropriate adjustment of premium liability." See Social Security Administration, *Program Operations Manual System*, § HI 00830.001, at www.secure.ssa.gov/apps10/poms.nsf/lnx/0600830001. Whether and how this relief may be available for Medicare recipients who had previously been disadvantaged by DOMA is likely to be a work in progress, and we will have to wait and see how the Administration approaches this issue.

SPOUSAL PROTECTIONS RELATED TO MEDICARE PART B ENROLLMENT

What does being married have to do with enrolling in Medicare Part B?

As a general matter, when you turn 65, you have to enroll in Medicare Part B or face a 10% lifetime penalty for every year you fail to enroll. There are two exceptions, however; one, if you yourself are working and remain on your employer or union's health plan (and for 8 months after you stop working), or two, if you remain on your spouse's current employment-based health plan. So long as you are on your own or your spouse's employment-based health plan, no late enrollment penalty applies.

Additionally, being on a spouse's health plan means that you will be able to participate in a special enrollment period for Medicare Part B once that spousal coverage ends.

Who can qualify for the spousal exemption to Medicare Part B late penalties?

To avoid penalties for enrolling in Part B:

- You must be considered a spouse at the time you apply,
- You must have been spouses at the time you turned 65,
- You must be covered through your spouse's employer or union group health plan, and
- Your spouse must still be working.

See the section above on who is recognized as a spouse for Medicare purposes. If you meet these criteria, you will not face a penalty when you enroll.

What if I have been receiving employment-based domestic partnership benefits through my partner, but we have no state-wide legal status? Can I avoid late penalties when I enroll in Part B?

In most circumstances, no. The only plans that exempt you from the late penalty are your own or that of a person recognized as a spouse. If, however, you receive incorrect information about this from someone at Social Security and delay enrolling in Part B based on that error, you may be able to get equitable relief from those penalties under some circumstances. See 42 U.S.C. § 1395p(h); Social Security Administration, *Program Operations Manual System*, § HI 00805.322, at www.secure.ssa.gov/apps10/poms.nsf/lnx/0600805322; Medicare Rights Center, *Equitable Relief: Navigating the Process*, at www.medicarights.org/files/Part-B-Enrollment/Equitable-Relief.pdf?ruid=1.

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If I have been on my spouse's health plan and that coverage is about to end, when can I enroll in Medicare Part B?

If you didn't sign up during the initial enrollment period (the seven months surrounding your 65th birthday) because you were covered by your spouse's employment-based group health plan, you are eligible to enroll during a special enrollment period. This means you can sign up for Part B any time you are still covered by your spouse's health plan (though you may want to discuss the ramifications of enrolling in Medicare with your benefits administrator), or during the eight month period starting the month after either your spouse's employment or the plan coverage ends, whichever comes first. How soon you receive the benefit depends on when you apply. By contrast, if you have not been covered by a group health plan and you did not enroll in Part B during the initial enrollment period, you are limited to enrolling during the general enrollment period of January 1 – March 30 every year, which may result in a gap in coverage, as coverage will not begin until July 1.

For more information about enrollment periods, see Centers for Medicare and Medicaid Servs., *Medicare & You*, at www.medicare.gov/Pubs/pdf/10050.pdf; Centers for Medicare and Medicaid Servs., *Enrolling in Medicare Part A & Part B*, at www.medicare.gov/Pubs/pdf/11036.pdf; Social Security, *Medicare*, at www.ssa.gov/pubs/EN-05-10043.pdf.

How do I enroll in Medicare Part B if I have been on my spouse's health insurance?

To enroll, you can call Social Security at 18007721213, enroll online at www.socialsecurity.gov/medicareonly/, or make an appointment at your local Social Security Office, which you can find at www.secure.ssa.gov/ICON/main.jsp.

What if I was on my spouse's health insurance, but was assessed a late enrollment penalty because of DOMA? What if I had to enroll in Part B even while I remained on my spouse's health insurance because of DOMA? Can I get my premium amount changed going forward? Can I get back the money I overpaid?

It remains to be seen. Medicare law allows the Social Security Administration to provide equitable relief to people whose Part A or B enrollment or coverage rights "have been prejudiced by the error, misrepresentation, action or inaction of an employee or agent of the Government. This relief may include, but is not limited to, providing special enrollment and/or coverage periods and appropriate adjustment of premium liability." See Social Security Administration, *Program Operations Manual System*, § HI 00830.001, at www.secure.ssa.gov/apps10/poms.nsf/lnx/0600830001. Whether and how this relief may be available for Medicare recipients who had previously been disadvantaged by DOMA is a work in progress, and we will have to wait and see how the Administration approaches this issue.

CAUTION: Even if these processes become available, they may or may not be helpful to you depending on your situation. Eligibility for equitable relief is a highly individualized assessment that may be even more complicated for seeking recoupment of Part B premiums paid while you still had coverage through your spouse than seeking to undo late enrollment penalties. We strongly encourage that you seek private legal advice about your specific situation to help you make the cost/benefit analysis of whether to pursue any particular form of relief.

SPOUSAL PROTECTIONS RELATED TO PART D ENROLLMENT**How does being married or being considered legal spouses affect my enrollment in Part D?**

Similar to Part B, if you are covered by a spouse's health insurance, you may be able to delay enrollment in Part D without paying late enrollment penalties. As well, the end of your coverage by your spouse's health insurance makes you eligible for a special enrollment period.

How do I avoid late enrollment penalties for Part D?

If you don't join Part D during the initial enrollment period, you can avoid paying late penalties for enrollment later if you have creditable prescription drug coverage through the employer- or union-based health plan of your own, your spouse, or another family member. A plan is considered creditable if it is at least as good as the basic federal plan, and the employer or union providing the coverage will notify you each year if the coverage is creditable.

Unlike Part B, this exemption from late penalties is not limited to plans through a spouse, and there is no requirement that your spouse must be currently working. Creditable plans may include retirement health benefits and COBRA coverage.

For more information, see:

www.medicare.gov/sign-up-change-plans/when-can-i-join-a-health-or-drug-plan/special-circumstances/join-plan-special-circumstances.html;

Centers for Medicare and Medicaid Servs., *Medicare & You*, at www.medicare.gov/Pubs/pdf/10050.pdf;

Social Security, *Medicare*, at www.socialsecurity.gov/pubs/media/pdf/EN-05-10043.pdf.

What if I have been receiving employment-based domestic partnership benefits through my partner, but we have no state-wide legal status? Can I avoid late penalties when I enroll in Part D?

Yes. Medicare Part D requires only that you have creditable coverage, regardless of the source.

If I have been on my spouse's health plan and that coverage is about to end, when can I enroll in Medicare Part D?

If you didn't sign up during the initial enrollment period (the seven months surrounding your 65th birthday) because you were covered by your spouse's employment-based group health plan, you are eligible to enroll during a special enrollment period. This special enrollment period lasts 63 days, and if you are not receiving Part D coverage before it ends, there may be a late penalty. If you miss the deadline for enrolling during the special enrollment period, you may enroll during the general enrollment period of October 15–December 7.

For more information, see:

www.medicare.gov/sign-up-change-plans/when-can-i-join-a-health-or-drug-plan/special-circumstances/join-plan-special-circumstances.html;

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Human Rights Campaign | Immigration Equality | Lambda Legal | National Center for Lesbian Rights | National Gay and Lesbian Task Force | OutServe-SLDN.

Centers for Medicare and Medicaid Servs., *Medicare & You*, at www.medicare.gov/Pubs/pdf/10050.pdf;

Social Security, *Medicare*, at www.socialsecurity.gov/pubs/mcdia/pdf/EN-05-10043.pdf.

How do I enroll in Medicare Part D if I have been on my spouse's health insurance?

You can enroll by phone at 1-800-633-4227, online at www.medicare.gov/find-a-plan/questions/enroll-now.aspx, or through the website or phone number of the plan of your choice. You can find information about available plans in your area on Medicare's website.

COMBINING SPOUSAL INCOME FOR MEDICARE PREMIUMS

How does having a spouse affect how much I pay for Medicare?

A couple's income is considered jointly in determining the amount of your premium for Parts B and D. Although most people pay the standard premiums for Part B and Part D every month, if your income is above a certain amount, you may pay more. For single individuals, the threshold for having to pay more is \$85,000, but if you have a spouse, the threshold for having to pay more is \$170,000 combined. The premiums continue to increase at varying higher income levels, with different amounts for individuals and spouses.

How are my Part B and Part D premiums calculated if I am married?

If you are recognized as spouses (see the section above on who is recognized as a spouse for Medicare purposes), your premium is based on your and your spouse's modified adjusted gross income (MAGI), as reported on your IRS tax return from two years ago. Your MAGI is your adjusted gross income plus your tax exempt interest income.

CAUTION: For some people, having your MAGI considered together with your spouse will lower your premium, while for others, it will raise your premium. For more specific information about income thresholds and increased premiums, see *Social Security, Medicare Premiums: Rules for Higher-Income Beneficiaries*, at www.socialsecurity.gov/pubs/10536.pdf.

Two years ago, DOMA forced me to file as "single." How will Medicare consider our income together?

Even if you weren't recognized as married two years ago, Medicare will combine the MAGI on the tax return you filed as "single" with the MAGI on the tax return your spouse filed as "single" to determine your joint income. If you amend your federal income tax returns (see Tax Fact Sheet), and the amended returns change your MAGI, notify Social Security, sending them a copy of the amended return you filed and the receipt from the IRS. Social Security should update its records and make adjustments. See *Social Security, Medicare Premiums: Rules for Higher-Income Beneficiaries*, at www.socialsecurity.gov/pubs/10536.pdf.

CAUTION: Be aware that even if you do not notify Social Security, any amendments you make to past tax returns may have ramifications for your premium amounts. Each fall, Social Security seeks verification of income from the IRS to determine the next year's premiums. If the Social

Security Administration finds any differences between the information the IRS provides and that which they have used previously, it is possible they will alter your monthly payment amount. See *Social Security, Medicare Annual Verification Notices: Frequently Asked Questions*, at www.socialsecurity.gov/pubs/EN-05-10507.pdf. Consult with tax and other counsel about your specific situation.

What if I have already been paying higher premiums based on my own income, and my premiums would have been lower if DOMA hadn't prevented me and my spouse from being considered jointly? Can I get my premiums adjusted?

Maybe. There is a process for requesting a new decision about your income-related monthly adjustment amount if you can show that your income has changed due to a change in marital status, but it is unclear how the Social Security Administration will be considering DOMA's unconstitutionality in this regard. Regardless of whether you may be able to make adjustments to your past premiums, it should be clear that your amount can be adjusted going forward. For more information about making these requests, see *Social Security, Medicare Premiums: Rules for Higher-Income Beneficiaries*, at www.ssa.gov/pubs/EN-05-10536.pdf.

COMBINING SPOUSAL INCOME FOR PROGRAMS TO ASSIST WITH MEDICARE COSTS

How does having a spouse affect my ability to get help paying for Medicare?

A couple's income is considered jointly in determining whether you are eligible for assistance with paying Medicare costs, including premiums, deductibles, and prescription co-payments. Couples with limited income and resources may qualify for the Extra Help program, which assists in paying for the costs of Part D, assistance estimated to be worth about \$4,000. To qualify for Extra Help, an individual's resources must be limited to \$13,300 and his or her income must be limited to \$17,235. For spouses living together, their resources must be limited to \$26,580 and their joint income must be limited to \$23,265.

Many couples who qualify for Extra Help may also be eligible for Medicare Savings Programs, which are state-run programs administered through Medicaid that provide assistance with Part A and B premiums, deductibles, and co-pays. See our fact sheet on Medicaid for more information on being recognized as a spouse for that program, and see www.medicare.gov/your-medicare-costs/help-paying-costs/medicare-savings-program/medicare-savings-programs.html for more general information on Medicare Savings Programs.

How do I qualify for Extra Help if I have a spouse?

To qualify for Extra Help:

- You must live in one of the fifty states or Washington, DC;
- You must be considered a spouse based on the law of the state where you live at the time of application; and
- If you are living with your spouse and you have no other dependents,
 - Your combined income must be less than \$22,695, AND
 - Your combined resources must be less than \$26,120.

See the section above on who is recognized as a spouse for Medicare purposes. Resources considered in this evaluation include money in a

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checking or savings account, retirement accounts, stocks, bonds, mutual funds, or real estate other than your primary residence. They do NOT include the value of your primary residence, your cars, personal property (like jewelry, clothes, and furniture), burial expenses, or life insurance.

There are also some circumstances where you may have higher income, but still qualify for Extra Help. For more information, see Social Security, *Understanding the Extra Help With Your Medicare Prescription Drug Plan*, at www.socialsecurity.gov/pubs/EN-05-10508.pdf; www.ssa-custhelp.ssa.gov/app/answers/detail/a_id/1435/-/income-and-resource-requirements-for-the-extra-help-with-prescription-drug-costs.

How do I apply for Extra Help?

To enroll, you can call Social Security at 18007721213, enroll online at www.socialsecurity.gov/extrahelp/, or make an appointment at your local Social Security Office, which you can find at www.secure.ssa.gov/ICON/main.jsp.



FOR MORE INFORMATION, CONTACT

LAMBDA LEGAL
lambdalegal.org

AMERICAN CIVIL LIBERTIES UNION
aclu.org/lgbt

GAY & LESBIAN ADVOCATES & DEFENDERS
glad.org

NATIONAL CENTER FOR LESBIAN RIGHTS
nclrights.org

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LGBT ORGANIZATIONS FACT SHEET SERIES

AFTER DOMA

WHAT IT MEANS FOR YOU

The Supreme Court victory in *United States v. Windsor* striking down the discriminatory federal Defense of Marriage Act (DOMA) affirms that all loving and committed couples who are married deserve equal legal respect and treatment from the federal government. The demise of DOMA marks a turning point in how the United States government treats the relationships of married same-sex couples for federal programs that are linked to being married. At the same time, a turning point is part of a longer journey, not the end of the road. There is much work ahead before same-sex couples living across the nation can enjoy all the same protections as their different-sex counterparts.

Keep in Mind:

- The Supreme Court's ruling in *Windsor* applies only to the federal government. It does not change discriminatory state laws excluding same-sex couples from state-conferred marriage rights.
- Federal agencies—large bureaucracies—may need and take some time to change forms, implement procedures, train personnel, and efficiently incorporate same-sex couples into the spousal-based system.
- Until same-sex couples can marry in every state in the nation, there will be uncertainty about the extent to which same-sex spouses will receive federal marital-based protections nationwide. For federal programs that assess marital status based on the law of a state that does not respect marriages of same-sex couples, those state laws will likely pose obstacles for legally married couples and surviving spouses in accessing federal protections and responsibilities.
- Securing full access to federal protections that come with marriage for all same-sex couples in the nation will take some time and work. In some situations, it may require Congressional action or formal rule-making by agencies.
- Before making a decision, it is essential that you consult an attorney for individualized legal advice. This is particularly important for people who are on certain public benefits, as getting married may jeopardize your eligibility without providing you the full measure of protections other married couples enjoy. In addition, couples who travel to another place to marry and then return to live in a state that does not respect their marriage may be unfairly unable to obtain a divorce, which can lead to serious negative legal and financial consequences. People must make careful decisions when and where to marry, even as we work together to end this injustice.
- We are committed to winning universal access to federal marital protections for married same-sex couples through ongoing public policy advocacy, and, where necessary, strategic litigation. Contact our organizations if you have questions, for updates and to learn more about what you can do to achieve full equality for those who are LGBT.

This Guidance is intended to provide general information regarding major areas of federal marriage-based rights and protections based on how the various federal agencies have administered federal benefits. It should not be construed as legal advice or a legal opinion on any specific facts or circumstances, and does not create an attorney-client relationship. This practice is no guarantee of future developments. While laws and legal procedure are subject to frequent change and differing interpretations in the ordinary course, this is even more true now as the federal government dismantles DOMA and extends federal protections to same-sex couples. None of the organizations publishing this information can ensure the information is current or be responsible for any use to which it is put.

No tax advice is intended, and nothing therein should be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.

Contact a qualified attorney in your state for legal advice about your particular situation.

MEDICAID

Medicaid is a health insurance program for very low-income people who meet certain guidelines. Medicaid also provides insurance coverage for long term care, such as when someone needs nursing home care. Many states have additional specific programs that are also called Medicaid, such as pre-natal care coverage for pregnant women.

Each state has its own Medicaid program that is partially funded by the federal government. Most states call this program "Medicaid," but some states have their own name for their Medicaid program (for example, in California it is called Medi-Cal). Each state has different rules about who can get Medicaid and what is covered, although there are some federal requirements that states must all follow. Even if you qualify in one state, you may not qualify in a different state if you move. The best way to determine the specific eligibility standards used in your state is to visit www.healthcare.gov or www.medicaid.gov.

Who qualifies for Medicaid?

Medicaid is run and designed by each state, so each state has different rules about who qualifies and what benefits you can get. In some states, very few people qualify for Medicaid, and the benefits are very limited. In general, Medicaid is currently available to very low-income people who are a child, pregnant, a parent or relative caretaker of a child; have a disability; or are elderly. Because eligibility may depend on being recognized as a parent, in states where same-sex parents are not recognized under the law, non-biological parents may not be able to qualify for Medicaid.

Medicaid will change drastically in many states in 2014. Beginning in 2014, many states will make Medicaid available to all very low-income people regardless of whether they have a child, a disability, or are elderly. This change is required under the Affordable Care Act (also called Obamacare), but under the recent U.S. Supreme Court ruling about the Affordable Care Act, not every state has to expand Medicaid under this law. In states that choose not to expand Medicaid, the old eligibility rules will still apply. Even in states that expand Medicaid, there may be some smaller programs that are called "Medicaid" that will not change under this law.

Beginning in 2014, all states will change how they calculate financial eligibility for Medicaid—although some Medicaid programs will still follow the old rules. These new financial eligibility rules will be based on your Modified Adjusted Gross Income (MAGI), which is calculated using your federal income tax return. If you file federal taxes as married filing jointly, both of your incomes will be considered in determining your Medicaid eligibility under the MAGI rules. See guidance on Federal Taxes for more information.

Who will be recognized as married for Medicaid purposes?

Because the federal government pays for part of Medicaid, there are federal rules that restrict how states run this program. Many states that have marriage equality did not

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treat same-sex married couples as married for many Medicaid programs, although several states have already been recognizing marriages between same-sex spouses for Medicaid purposes.

- **If your state recognizes your marriage:** Now that Section 3 of the federal Defense of Marriage Act (DOMA) has been overturned, every state that recognizes marriages between same-sex couples will recognize their marriages for all Medicaid purposes.
- **If you are in a civil union or registered domestic partnership and your state recognizes your relationship:** You may be treated as married for Medicaid purposes. We do not yet know if you will file federal taxes jointly with your partner. But if you do file taxes jointly, both of your incomes will be considered for most Medicaid income eligibility calculations, which could make you ineligible. See guidance on Federal Taxes for more information.
- **If you live in a state that doesn't recognize your relationship:** You will probably not be recognized as married for Medicaid purposes, although some states may decide to provide hardship protections to a partner of a person in long term care.

The federal government has also allowed states to provide the same protections given to the spouses of people who are receiving long term care to any domestic partner, regardless of whether they are in a formally recognized relationship. These protections can be very significant – they can allow the partner who is not in long term care to remain in the family home and allow the partner to keep more joint assets. Most states have not yet decided whether to provide these protections to domestic partners.

How does being married impact my Medicaid eligibility?

Because this program is limited to very low-income people, who is considered to be a part of your family for purposes of determining your family income and assets impacts your eligibility for Medicaid. As explained above, how your income is calculated for most Medicaid programs will change in 2014.

For people receiving long term care coverage through Medicaid (such as coverage for nursing home care), Medicaid provides protections for the healthy spouse's assets.

CAUTION: For many couples, being married is not beneficial for Medicaid purposes and can result in losing eligibility for benefits. But, being married can be beneficial if one spouse is receiving long-term care coverage through Medicaid. People receiving Medicaid should speak to an attorney if possible about their benefits before deciding to marry.

I have been told that I have to identify the biological father of my child to receive Medicaid. Is this true?

Federal law currently requires people who receive Medicaid because they are parents to "cooperate" in efforts to identify the biological father of their child – the federal law requiring this is written in gendered terms and assumes that a biological father must be identified. Parents who have conceived using a known sperm donor may be required to identify their sperm donor as the father of their child in order to receive benefits. If you live in a state with laws that say a sperm donor is not a parent (and you followed those laws) or if a court has already ruled that your donor is not a parent, you should not have to identify him as a father – although you may have to push the agency to recognize this. But, if your donor could be a legal parent under your state's laws, you may be required to identify

him as a legal father. Identifying your sperm donor as a father can have severe results – it can mean that he will be recognized as the legal second parent of your child for all purposes under the law, including the ability to seek custody or visitation, and can prevent a non-biological parent who is raising the child from being recognized. If you are facing this situation, please contact one of the legal groups listed at the end of this publication for more information.

How can I apply for Medicaid?

The application process will be different in each state. Currently, in most places, there will be a county office where you can apply, or you may be able to apply online. Beginning in 2014, you will be able to apply online and determine your eligibility through the Health Insurance Marketplace. For more information, and to see if you are eligible for Medicaid coverage in your state, please visit www.healthcare.gov.



FOR MORE INFORMATION, CONTACT

NATIONAL CENTER FOR LESBIAN RIGHTS

nclrights.org

LAMBDA LEGAL

lambdalegal.org

GAY & LESBIAN ADVOCATES & DEFENDERS

glad.org

AMERICAN CIVIL LIBERTIES UNION

aclu.org/lgbt

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APPENDIX N
T1/T2 VARIABLES & SURVEYS

* basic information for T1.

temporary.

select if (time eq 1).

fre q1 q2 q3 q7b q7c q7d.

The tables below give you basic frequencies for the categorical variables for time 1.

Frequency Table

Q1 Status		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 Clergy	12	10.7	11.0	11.0
	2 Deaconate	10	8.9	9.2	20.2
	3 Member	73	65.2	67.0	87.2
	4 Other	14	12.5	12.8	100.0
	Total	109	97.3	100.0	
Missing	System	3	2.7		
Total		112	100.0		

Q2 Gender		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 T (F to M)	1	.9	.9	.9
	2 T (M to F)	2	1.8	1.8	2.7
	3 Male	34	30.4	30.9	33.6
	4 Female	59	52.7	53.6	87.3
	5 Queer	4	3.6	3.6	90.9
	6 Other	10	8.9	9.1	100.0
	Total	110	98.2	100.0	
Missing	System	2	1.8		
Total		112	100.0		

Q3 Age3		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 Less than 24 years old	5	4.5	4.5	4.5
	2 25 to 50 years old	50	44.6	45.0	49.5
	3 51 years old or older	56	50.0	50.5	100.0
	Total	111	99.1	100.0	
Missing	System	1	.9		
Total		112	100.0		

Q7b Medicaid doesn't cover injections

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 True	69	61.6	72.6	72.6
	2 False	26	23.2	27.4	100.0
	Total	95	84.8	100.0	
Missing	System	17	15.2		
Total		112	100.0		

Q7c Ts allowed to marry

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 True	49	43.8	51.0	51.0
	2 False	47	42.0	49.0	100.0
	Total	96	85.7	100.0	
Missing	System	16	14.3		
Total		112	100.0		

Q7d Hate crimes can be committed

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 True	78	69.6	79.6	79.6
	2 False	20	17.9	20.4	100.0
	Total	98	87.5	100.0	
Missing	System	14	12.5		
Total		112	100.0		

```
temporary.
select if (time eq 1).
des q5 q6 q7a q8 q9 q10.
```

Below is basic information for the continuous variables

Descriptives

Descriptive Statistics

	N	Minimum	Maximum	Mean	Std. Deviation
Q5 Mission statement affirms	103	1	5	4.06	1.195
Q6 Ts are born that way	108	1	5	4.00	1.144
Q7a % of homeless Ts	74	2	90	60.93	22.824
Q8 LGBT community supportive of Ts	101	1	5	3.04	1.139
Q9 UFC supportive of Ts	101	1	5	4.23	1.009
Q10 Awareness raised	98	1	5	3.62	.969
Valid N (listwise)	65				

* basic information for T2.

```
temporary.
select if (time eq 2).
fre q1 q2 q3 q7b q7c q7d.
```

Below are basic frequencies for the categorical variables for Time 2

Frequency Table

		Q1 Status			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 Clergy	10	9.0	9.2	9.2
	2 Deaconate	6	5.4	5.5	14.7
	3 Member	62	55.9	56.9	71.6
	4 Other	31	27.9	28.4	100.0
	Total	109	98.2	100.0	
Missing	System	2	1.8		
Total		111	100.0		

		Q2 Gender			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 T (F to M)	3	2.7	2.7	2.7
	2 T (M to F)	2	1.8	1.8	4.5
	3 Male	39	35.1	35.5	40.0
	4 Female	56	50.5	50.9	90.9
	5 Queer	7	6.3	6.4	97.3
	6 Other	3	2.7	2.7	100.0
	Total	110	99.1	100.0	
Missing	System	1	.9		
Total		111	100.0		

		Q3 Age3			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 Less than 24 years old	4	3.6	3.8	3.8
	2 25 to 50 years old	53	47.7	50.5	54.3
	3 51 years old or older	48	43.2	45.7	100.0
	Total	105	94.6	100.0	
Missing	System	6	5.4		
Total		111	100.0		

Q7b Medicaid doesn't cover injections

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 True	53	47.7	55.8	55.8
	2 False	42	37.8	44.2	100.0
	Total	95	85.6	100.0	
Missing	System	16	14.4		
Total		111	100.0		

Q7c Ts allowed to marry

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 True	69	62.2	74.2	74.2
	2 False	24	21.6	25.8	100.0
	Total	93	83.8	100.0	
Missing	System	18	16.2		
Total		111	100.0		

Q7d Hate crimes can be committed

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 True	75	67.6	77.3	77.3
	2 False	21	18.9	21.6	99.0
	3	1	.9	1.0	100.0
	Total	97	87.4	100.0	
Missing	System	14	12.6		
Total		111	100.0		

```
temporary.
select if (time eq 2).
des q5 q6 q7a q8 q9 q10.
```

Below is basic information for the continuous variables, at Time 2.

Descriptive Statistics

	N	Minimum	Maximum	Mean	Std. Deviation
Q5 Mission statement affirms	106	1	5	4.25	.895
Q6 Ts are born that way	109	1	5	4.26	1.049
Q7a % of homeless Ts	77	10	99	60.95	21.514
Q8 LGBT community supportive of Ts	103	1	5	2.99	1.098
Q9 UFC supportive of Ts	102	1	5	4.43	.839
Q10 Awareness raised	99	1	5	3.92	1.149
Valid N (listwise)	73				

* Research Question: did the treatment have any effect on the continuous variables?
And if yes, was that effect statistically significant?

T-TEST

```
GROUPS=time(1 2)
/MISSING=ANALYSIS
/VARIABLES=q5 q6 q7a q8 q9 q10
/CRITERIA=CIN(.95) .
```

Variable	Did treatment have an effect?	Was the effect statistically significant?
Q5	Yes, positive	No, .179
Q6	Yes, positive	Approaching, .181
Q7	No, not really	No, .997
Q8	No, not really	No, .753
Q9	Yes, positive	No, .119
Q10	Yes, positive	Yes, .05

T-Test

Group Statistics

	time	N	Mean	Std. Deviation	Std. Error Mean
Q5 Mission statement affirms	1.00	103	4.06	1.195	.118
	2.00	106	4.25	.895	.087
Q6 Ts are born that way	1.00	108	4.00	1.144	.110
	2.00	109	4.26	1.049	.100
Q7a % of homeless Ts	1.00	74	60.93	22.824	2.653
	2.00	77	60.95	21.514	2.452
Q8 LGBT community supportive of Ts	1.00	101	3.04	1.139	.113
	2.00	103	2.99	1.098	.108
Q9 UFC supportive of Ts	1.00	101	4.23	1.009	.100
	2.00	102	4.43	.839	.083
Q10 Awareness raised	1.00	98	3.62	.969	.098
	2.00	99	3.92	1.149	.115

Independent Samples Test

		t-test for Equality of Means		
		t	df	Sig. (2-tailed)
Q5 Mission statement affirms	Equal variances assumed	-1.348	207	.179
	Equal variances not assumed	-1.342	188.972	.181
Q6 Ts are born that way	Equal variances assumed	-1.724	215	.086
	Equal variances not assumed	-1.724	213.048	.086
Q7a % of homeless Ts	Equal variances assumed	-.004	149	.997
	Equal variances not assumed	-.004	147.554	.997
Q8 LGBT community supportive of Ts	Equal variances assumed	.315	202	.753
	Equal variances not assumed	.315	201.353	.753
Q9 UFC supportive of Ts	Equal variances assumed	-1.565	201	.119
	Equal variances not assumed	-1.563	193.820	.120
Q10 Awareness raised	Equal variances assumed	-1.959	195	.052
	Equal variances not assumed	-1.961	190.200	.051

* Research Question: did the treatment have any effect on the categorical variables?
 And if yes, was that effect statistically significant?

```
CROSSTABS
/TABLES= time BY q7b q7c q7d
/STATISTICS=CHISQ
/CELLS= COUNT ROW COL TOTAL .
```

Variable	Did treatment have an effect?	Was the effect statistically significant?
Q7b	Yes, more people in T2 thought it was false than did people in T1	Yes, .015
Q7c	Yes, more people in T2 thought it was true than did in T1.	Yes, .001
Q7d	No, not really. Nothing really changed.	No, .583

Crosstabs

time * Q7b Medicare doesn't cover injections

Crosstab

			Q7b Medicare doesn't cover injections		Total
			1 True	2 False	
time	1.00	Count	69	26	95
		% within time	72.6%	27.4%	100.0%
		% within Q7b Medicare doesn't cover injections	56.6%	38.2%	50.0%
		% of Total	36.3%	13.7%	50.0%
	2.00	Count	53	42	95
		% within time	55.8%	44.2%	100.0%

Total	% within Q7b Medicaid doesn't cover injections	43.4%	61.8%	50.0%
	% of Total	27.9%	22.1%	50.0%
	Count	122	68	190
	% within time	64.2%	35.8%	100.0%
	% within Q7b Medicaid doesn't cover injections	100.0%	100.0%	100.0%
	% of Total	64.2%	35.8%	100.0%

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	5.863 ^a	1	.015		
Continuity Correction ^b	5.153	1	.023		
Likelihood Ratio	5.905	1	.015		
Fisher's Exact Test				.023	.011
Linear-by-Linear Association	5.832	1	.016		
N of Valid Cases	190				

time * Q7c Ts allowed to marry

Crosstab

			Q7c Ts allowed to marry		Total
			1 True	2 False	
time	1.00	Count	49	47	96
		% within time	51.0%	49.0%	100.0%
		% within Q7c Ts allowed to marry	41.5%	66.2%	50.8%
		% of Total	25.9%	24.9%	50.8%
	2.00	Count	69	24	93
		% within time	74.2%	25.8%	100.0%
		% within Q7c Ts allowed to marry	58.5%	33.8%	49.2%
		% of Total	36.5%	12.7%	49.2%
Total	Count		118	71	189
	% within time		62.4%	37.6%	100.0%
	% within Q7c Ts allowed to marry		100.0%	100.0%	100.0%
	% of Total		62.4%	37.6%	100.0%

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	10.796 ^a	1	.001		
Continuity Correction ^b	9.831	1	.002		
Likelihood Ratio	10.945	1	.001		
Fisher's Exact Test				.002	.001
Linear-by-Linear Association	10.739	1	.001		
N of Valid Cases	189				

time * Q7d Hate crimes can be committed

Crosstab

			Q7d Hate crimes can be committed			Total
			1 True	2 False	3	
time	1.00	Count	78	20	0	98
		% within time	79.6%	20.4%	0.0%	100.0%
		% within Q7d Hate crimes can be committed	51.0%	48.8%	0.0%	50.3%
		% of Total	40.0%	10.3%	0.0%	50.3%
	2.00	Count	75	21	1	97
		% within time	77.3%	21.6%	1.0%	100.0%
		% within Q7d Hate crimes can be committed	49.0%	51.2%	100.0%	49.7%
		% of Total	38.5%	10.8%	0.5%	49.7%
Total		Count	153	41	1	195
		% within time	78.5%	21.0%	0.5%	100.0%
		% within Q7d Hate crimes can be committed	100.0%	100.0%	100.0%	100.0%
		% of Total	78.5%	21.0%	0.5%	100.0%

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	1.078 ^a	2	.583
Likelihood Ratio	1.464	2	.481
Linear-by-Linear Association	.291	1	.590
N of Valid Cases	195		

* within a given 'time' were there 'group' difference?.

* within time 1, was there a difference in the continuous variables based on status (Q1)?

temporary.

select if (time eq 1).

ONEWAY q5 q6 q7a q8 q9 q10 BY q1

/STATISTICS DESCRIPTIVES

/MISSING ANALYSIS

/POSTHOC=LSD ALPHA(0.05).

	From highest to lowest, what is the rank order of scores? Which group ranked the highest, next highest ... to lowest?	Was the effect statistically significant?
Q5	Deacon, member, clergy, other	No
Q6	Other, clergy, member, deacon	No
Q7	Clergy, member, other, deacon	No
Q8	Other, member, deacon, clergy	Yes. Clergy are different from member and others
Q9	Other, member, clergy, deacon	No
Q10	Other, member, deacon, clergy	No

Oneway

Descriptives

		N	Mean	Std. Deviation	Std. Error
Q5 Mission statement affirms	1 Clergy	11	4.00	1.000	.302
	2 Deaconate	10	4.20	1.229	.389
	3 Member	70	4.11	1.186	.142
	4 Other	11	3.64	1.502	.453
	Total	102	4.06	1.201	.119
Q6 Ts are born that way	1 Clergy	12	4.25	1.215	.351
	2 Deaconate	10	3.60	1.838	.581
	3 Member	70	3.91	1.073	.128
	4 Other	14	4.36	.745	.199
	Total	106	3.98	1.146	.111
Q7a % of homeless Ts	1 Clergy	8	72.38	21.267	7.519
	2 Deaconate	8	55.63	24.559	8.683
	3 Member	49	61.27	21.944	3.135
	4 Other	8	57.25	26.321	9.306
	Total	73	61.42	22.583	2.643
Q8 LGBT community supportive of Ts	1 Clergy	10	2.00	1.414	.447
	2 Deaconate	10	2.70	1.059	.335
	3 Member	67	3.19	1.062	.130
	4 Other	13	3.23	1.013	.281

Q9 UFC supportive of Ts	Total	100	3.03	1.141	.114
	1 Clergy	12	4.08	1.240	.358
	2 Deaconate	10	3.80	1.317	.416
	3 Member	68	4.25	.968	.117
	4 Other	10	4.70	.483	.153
Q10 Awareness raised	Total	100	4.23	1.014	.101
	1 Clergy	10	3.40	.699	.221
	2 Deaconate	9	3.33	.866	.289
	3 Member	67	3.61	1.014	.124
	4 Other	11	4.09	.944	.285
	Total	97	3.62	.973	.099

ANOVA

		F	Sig.
Q5 Mission statement affirms	Between Groups	.551	.649
	Within Groups		
	Total		
Q6 Ts are born that way	Between Groups	1.176	.323
	Within Groups		
	Total		
Q7a % of homeless Ts	Between Groups	.891	.450
	Within Groups		
	Total		
Q8 LGBT community supportive of Ts	Between Groups	3.906	.011
	Within Groups		
	Total		
Q9 UFC supportive of Ts	Between Groups	1.427	.240
	Within Groups		
	Total		
Q10 Awareness raised	Between Groups	1.303	.278
	Within Groups		
	Total		

Post Hoc Tests

Multiple Comparisons

LSD

Dependent Variable	(I) Q1 Status	(J) Q1 Status	Mean		Sig.	95% Confidence Interval	
			Difference (I-J)	Std. Error		Lower Bound	Upper Bound
Q5 Mission statement affirms	1 Clergy	2 Deaconate	-.200	.528	.706	-1.25	.85
		3 Member	-.114	.392	.771	-.89	.66
		4 Other	.364	.515	.482	-.66	1.39
	2 Deaconate	1 Clergy	.200	.528	.706	-.85	1.25
		3 Member	.086	.409	.834	-.73	.90
		4 Other	.564	.528	.289	-.48	1.61
	3 Member	1 Clergy	.114	.392	.771	-.66	.89
		2 Deaconate	-.086	.409	.834	-.90	.73
		4 Other	.478	.392	.226	-.30	1.26
	4 Other	1 Clergy	-.364	.515	.482	-1.39	.66
		2 Deaconate	-.564	.528	.289	-1.61	.48
		3 Member	-.478	.392	.226	-1.26	.30
Q6 Ts are born that way	1 Clergy	2 Deaconate	.650	.490	.187	-.32	1.62
		3 Member	.336	.357	.350	-.37	1.04
		4 Other	-.107	.450	.812	-1.00	.79
	2 Deaconate	1 Clergy	-.650	.490	.187	-1.62	.32
		3 Member	-.314	.387	.418	-1.08	.45
		4 Other	-.757	.473	.113	-1.70	.18
	3 Member	1 Clergy	-.336	.357	.350	-1.04	.37
		2 Deaconate	.314	.387	.418	-.45	1.08
		4 Other	-.443	.335	.189	-1.11	.22
	4 Other	1 Clergy	.107	.450	.812	-.79	1.00
		2 Deaconate	.757	.473	.113	-.18	1.70
		3 Member	.443	.335	.189	-.22	1.11
Q7a % of homeless Ts	1 Clergy	2 Deaconate	16.750	11.317	.143	-5.83	39.33
		3 Member	11.110	8.631	.202	-6.11	28.33
		4 Other	15.125	11.317	.186	-7.45	37.70
	2 Deaconate	1 Clergy	-16.750	11.317	.143	-39.33	5.83
		3 Member	-5.640	8.631	.516	-22.86	11.58
		4 Other	-1.625	11.317	.886	-24.20	20.95
	3 Member	1 Clergy	-11.110	8.631	.202	-28.33	6.11
		2 Deaconate	5.640	8.631	.516	-11.58	22.86
		4 Other	4.015	8.631	.643	-13.20	21.23
	4 Other	1 Clergy	-15.125	11.317	.186	-37.70	7.45

Q8 LGBT community supportive of Ts		2 Deaconate	1.625	11.317	.886	-20.95	24.20
		3 Member	-4.015	8.631	.643	-21.23	13.20
	1 Clergy	2 Deaconate	-.700	.489	.156	-1.67	.27
		3 Member	-1.194 ⁺	.371	.002	-1.93	-.46
		4 Other	-1.231 ⁺	.460	.009	-2.14	-.32
	2 Deaconate	1 Clergy	.700	.489	.156	-.27	1.67
		3 Member	-.494	.371	.186	-1.23	.24
		4 Other	-.531	.460	.252	-1.44	.38
	3 Member	1 Clergy	1.194 ⁺	.371	.002	.46	1.93
		2 Deaconate	.494	.371	.186	-.24	1.23
		4 Other	-.037	.332	.912	-.69	.62
	4 Other	1 Clergy	1.231 ⁺	.460	.009	.32	2.14
		2 Deaconate	.531	.460	.252	-.38	1.44
		3 Member	.037	.332	.912	-.62	.69
	Q9 UFC supportive of Ts	1 Clergy	.283	.431	.513	-.57	1.14
		3 Member	-.167	.315	.598	-.79	.46
		4 Other	-.617	.431	.156	-1.47	.24
Q10 Awareness raised	2 Deaconate	1 Clergy	-.283	.431	.513	-1.14	.57
		3 Member	-.450	.341	.190	-1.13	.23
		4 Other	-.900 ⁺	.450	.049	-1.79	-.01
	3 Member	1 Clergy	.167	.315	.598	-.46	.79
		2 Deaconate	.450	.341	.190	-.23	1.13
		4 Other	-.450	.341	.190	-1.13	.23
	4 Other	1 Clergy	.617	.431	.156	-.24	1.47
		2 Deaconate	.900 ⁺	.450	.049	.01	1.79
		3 Member	.450	.341	.190	-.23	1.13
	1 Clergy	2 Deaconate	.067	.445	.881	-.82	.95
		3 Member	-.212	.328	.520	-.86	.44
		4 Other	-.691	.423	.106	-1.53	.15
	2 Deaconate	1 Clergy	-.067	.445	.881	-.95	.82
		3 Member	-.279	.344	.420	-.96	.40
		4 Other	-.758	.435	.085	-1.62	.11
	3 Member	1 Clergy	.212	.328	.520	-.44	.86
		2 Deaconate	.279	.344	.420	-.40	.96
		4 Other	-.479	.315	.132	-1.10	.15
	4 Other	1 Clergy	.691	.423	.106	-.15	1.53
		2 Deaconate	.758	.435	.085	-.11	1.62
		3 Member	.479	.315	.132	-.15	1.10

* within time 2, was there a difference in the continuous variables based on status?

```
temporary.
select if (time eq 2).
ONEWAY q5 q6 q7a q8 q9 q10 BY q1
  /STATISTICS DESCRIPTIVES
  /MISSING ANALYSIS
  /POSTHOC=LSD ALPHA(0.05).
```

	From highest to lowest, what is the rank order of scores? Which group ranked the highest, next highest ... to lowest?	Was the effect statistically significant?
Q5	Deacon, member, other, clergy	No
Q6	Deacon, clergy, member, other	No
Q7	Other, member, deacon, clergy	Yes (.01). clergy are different from members and others. Deacons are different from other.
Q8	Deacon, member, other, clergy	Approaching (.086)
Q9	Member, deacon/clergy, other	No
Q10	Clergy, member, deacon, other	Yes (.010). clergy are different from deacons and other. Members are different from other

Oneway

Descriptives					
		N	Mean	Std. Deviation	Std. Error
Q5 Mission statement affirms	1 Clergy	10	4.00	.943	.298
	2 Deaconate	6	4.67	.516	.211
	3 Member	59	4.25	.921	.120
	4 Other	30	4.23	.898	.164
	Total	105	4.25	.896	.087
Q6 Ts are born that way	1 Clergy	10	4.50	.972	.307
	2 Deaconate	6	4.67	.516	.211
	3 Member	61	4.23	1.101	.141
	4 Other	31	4.13	1.056	.190
	Total	108	4.25	1.051	.101
Q7a % of homeless Ts	1 Clergy	7	39.71	11.354	4.291
	2 Deaconate	4	44.75	31.479	15.739
	3 Member	48	63.35	20.489	2.957
	4 Other	17	67.41	19.941	4.836
	Total	76	61.11	21.612	2.479
Q8 LGBT community supportive of Ts	1 Clergy	10	2.40	1.075	.340
	2 Deaconate	5	3.20	.837	.374
	3 Member	59	3.17	1.101	.143
	4 Other	28	2.71	1.013	.191
	Total	102	2.97	1.085	.107
Q9 UFC supportive of Ts	1 Clergy	10	4.40	.843	.267

Q10 Awareness raised	2 Deaconate	5	4.40	.894	.400
	3 Member	59	4.51	.774	.101
	4 Other	27	4.26	.984	.189
	Total	101	4.43	.841	.084
	1 Clergy	10	4.60	.966	.306
	2 Deaconate	5	3.40	1.140	.510
	3 Member	57	4.11	1.145	.152
	4 Other	26	3.31	.970	.190
	Total	98	3.91	1.150	.116

ANOVA

		F	Sig.
Q5 Mission statement affirms	Between Groups	.689	.561
	Within Groups		
	Total		
Q6 Ts are born that way	Between Groups	.641	.590
	Within Groups		
	Total		
Q7a % of homeless Ts	Between Groups	4.176	.009
	Within Groups		
	Total		
Q8 LGBT community supportive of Ts	Between Groups	2.259	.086
	Within Groups		
	Total		
Q9 UFC supportive of Ts	Between Groups	.540	.656
	Within Groups		
	Total		
Q10 Awareness raised	Between Groups	5.009	.003
	Within Groups		
	Total		

Post Hoc Tests

Multiple Comparisons

LSD

Dependent Variable	(I) Q1 Status	(J) Q1 Status	Mean		Sig.	95% Confidence Interval	
			Difference (I-J)	Std. Error		Lower Bound	Upper Bound
Q5 Mission statement affirms	1 Clergy	2 Deaconate	-.667	.465	.155	-1.59	.26
		3 Member	-.254	.308	.411	-.87	.36
		4 Other	-.233	.329	.480	-.89	.42
	2 Deaconate	1 Clergy	.667	.465	.155	-.26	1.59
		3 Member	.412	.386	.288	-.35	1.18
		4 Other	.433	.403	.284	-.37	1.23
	3 Member	1 Clergy	.254	.308	.411	-.36	.87
		2 Deaconate	-.412	.386	.288	-1.18	.35
		4 Other	.021	.202	.918	-.38	.42
	4 Other	1 Clergy	.233	.329	.480	-.42	.89
		2 Deaconate	-.433	.403	.284	-1.23	.37
		3 Member	-.021	.202	.918	-.42	.38
Q6 Ts are born that way	1 Clergy	2 Deaconate	-.167	.546	.761	-1.25	.92
		3 Member	.270	.360	.455	-.44	.99
		4 Other	.371	.384	.337	-.39	1.13
	2 Deaconate	1 Clergy	.167	.546	.761	-.92	1.25
		3 Member	.437	.452	.336	-.46	1.33
		4 Other	.538	.471	.257	-.40	1.47
	3 Member	1 Clergy	-.270	.360	.455	-.99	.44
		2 Deaconate	-.437	.452	.336	-1.33	.46
		4 Other	.100	.233	.667	-.36	.56
	4 Other	1 Clergy	-.371	.384	.337	-1.13	.39
		2 Deaconate	-.538	.471	.257	-1.47	.40
		3 Member	-.100	.233	.667	-.56	.36
Q7a % of homeless Ts	1 Clergy	2 Deaconate	-5.036	12.760	.694	-30.47	20.40
		3 Member	-23.640 ⁺	8.236	.005	-40.06	-7.22
		4 Other	-27.697 ⁺	9.142	.003	-45.92	-9.47
	2 Deaconate	1 Clergy	5.036	12.760	.694	-20.40	30.47
		3 Member	-18.604	10.594	.083	-39.72	2.52
		4 Other	-22.662 ⁺	11.313	.049	-45.21	-.11
	3 Member	1 Clergy	23.640 ⁺	8.236	.005	7.22	40.06
		2 Deaconate	18.604	10.594	.083	-2.52	39.72
		4 Other	-4.058	5.746	.482	-15.51	7.40
	4 Other	1 Clergy	27.697 ⁺	9.142	.003	9.47	45.92

Q8 LGBT community supportive of Ts		2 Deaconate	22.662 ⁺	11.313	.049	.11	45.21	
		3 Member	4.058	5.746	.482	-7.40	15.51	
		1 Clergy	2 Deaconate	-.800	.583	.173	-1.96	.36
		3 Member	-.769 ⁺	.364	.037	-1.49	-.05	
		4 Other	-.314	.392	.425	-1.09	.46	
		2 Deaconate	1 Clergy	.800	.583	.173	-.36	1.96
		3 Member	.031	.496	.951	-.95	1.02	
		4 Other	.486	.517	.350	-.54	1.51	
		3 Member	1 Clergy	.769 ⁺	.364	.037	.05	1.49
		2 Deaconate	-.031	.496	.951	-1.02	.95	
		4 Other	.455	.244	.066	-.03	.94	
		4 Other	1 Clergy	.314	.392	.425	-.46	1.09
	Q9 UFC supportive of Ts		2 Deaconate	-.486	.517	.350	-1.51	.54
			3 Member	-.455	.244	.066	-.94	.03
			1 Clergy	2 Deaconate	.000	.464	1.000	-.92
3 Member			-.108	.290	.709	-.68	.47	
		4 Other	.141	.313	.654	-.48	.76	
		2 Deaconate	1 Clergy	.000	.464	1.000	-.92	.92
		3 Member	-.108	.394	.784	-.89	.67	
		4 Other	.141	.412	.734	-.68	.96	
		3 Member	1 Clergy	.108	.290	.709	-.47	.68
		2 Deaconate	.108	.394	.784	-.67	.89	
		4 Other	.249	.197	.208	-.14	.64	
		4 Other	1 Clergy	-.141	.313	.654	-.76	.48
Q10 Awareness raised			2 Deaconate	-.141	.412	.734	-.96	.68
			3 Member	-.249	.197	.208	-.64	.14
			1 Clergy	2 Deaconate	1.200 ⁺	.594	.046	.02
	3 Member		.495	.372	.186	-.24	1.23	
		4 Other	1.292 ⁺	.403	.002	.49	2.09	
		2 Deaconate	1 Clergy	-1.200 ⁺	.594	.046	-2.38	-.02
		3 Member	-.705	.506	.166	-1.71	.30	
		4 Other	.092	.529	.862	-.96	1.14	
		3 Member	1 Clergy	-.495	.372	.186	-1.23	.24
		2 Deaconate	.705	.506	.166	-.30	1.71	
		4 Other	.798 ⁺	.257	.002	.29	1.31	
		4 Other	1 Clergy	-1.292 ⁺	.403	.002	-2.09	-.49
		2 Deaconate	-.092	.529	.862	-1.14	.96	
		3 Member	-.798 ⁺	.257	.002	-1.31	-.29	

* Research Question: within time 1, was there a difference in the continuous variables based on gender identity?

temporary.

select if (time eq 1).

ONEWAY q5 q6 q7a q8 q9 q10 BY gendervariant

/STATISTICS DESCRIPTIVES

/MISSING ANALYSIS

/POSTHOC=LSD ALPHA(0.05).

	From highest to lowest, what is the rank order of scores? Which group ranked the highest, next highest ... to lowest?	Was the effect statistically significant?
Q5	Male, female, variant	No
Q6	Female, variant, male	No
Q7	Variant, female, male	No
Q8	Male, female, variant	No
Q9	Male, female, variant	No
Q10	Variant, female, male	No

Oneway

Descriptives

		N	Mean	Std. Deviation
Q5 Mission statement affirms	1.00 gender variant	16	3.88	1.360
	2.00 male	33	4.24	1.146
	3.00 female	53	3.98	1.185
	Total	102	4.05	1.197
Q6 Ts are born that way	1.00 gender variant	16	3.88	1.204
	2.00 male	34	3.79	1.343
	3.00 female	57	4.18	.984
	Total	107	4.01	1.145
Q7a % of homeless Ts	1.00 gender variant	12	62.25	22.296
	2.00 male	22	58.86	23.090
	3.00 female	39	60.95	23.172
	Total	73	60.53	22.722
Q8 LGBT community supportive of Ts	1.00 gender variant	16	2.88	1.408
	2.00 male	31	3.10	1.136
	3.00 female	53	3.08	1.071
	Total	100	3.05	1.140
Q9 UFC supportive of Ts	1.00 gender variant	15	3.80	1.373
	2.00 male	32	4.38	.907
	3.00 female	53	4.25	.939
	Total	100	4.22	1.011
Q10 Awareness raised	1.00 gender variant	15	3.73	1.163
	2.00 male	32	3.59	.979
	3.00 female	50	3.64	.898

Total	97	3.64	.959
-------	----	------	------

ANOVA

		F	Sig.
Q5 Mission statement affirms	Between Groups	.681	.509
	Within Groups		
	Total		
Q6 Ts are born that way	Between Groups	1.318	.272
	Within Groups		
	Total		
Q7a % of homeless Ts	Between Groups	.098	.907
	Within Groups		
	Total		
Q8 LGBT community supportive of Ts	Between Groups	.224	.800
	Within Groups		
	Total		
Q9 UFC supportive of Ts	Between Groups	1.712	.186
	Within Groups		
	Total		
Q10 Awareness raised	Between Groups	.106	.899
	Within Groups		
	Total		

* Research Question: within time 2, was there a difference in the continuous variables based on gender identity?

temporary.

select if (time eq 2).

ONEWAY q5 q6 q7a q8 q9 q10 BY gendervariant

/STATISTICS DESCRIPTIVES

/MISSING ANALYSIS

/POSTHOC=LSD ALPHA(0.05).

	From highest to lowest, what is the rank order of scores? Which group ranked the highest, next highest ... to lowest?	Was the effect statistically significant?
Q5	Male, female, variant	No,
Q6	Male, female, variant	No,
Q7	Female, variant, male	Approaching (.07); difference between male & female
Q8	Female, male, variant	Yes, (.05*); difference between variant & female
Q9	Male/female, variant	Approaching (.10); gender variant & female
Q10	Female, variant, male	No,

Oneway

Descriptives		N	Mean	Std. Deviation
Q5 Mission statement affirms	1.00 gender variant	14	4.14	.949
	2.00 male	38	4.42	.758
	3.00 female	53	4.17	.975
	Total	105	4.26	.899
Q6 Ts are born that way	1.00 gender variant	15	4.20	1.014
	2.00 male	39	4.31	.977
	3.00 female	54	4.24	1.132
	Total	108	4.26	1.053
Q7a % of homeless Ts	1.00 gender variant	9	62.11	15.004
	2.00 male	24	52.71	23.319
	3.00 female	43	65.09	20.934
	Total	76	60.83	21.631
Q8 LGBT community supportive of Ts	1.00 gender variant	15	2.33	.724
	2.00 male	37	2.95	1.026
	3.00 female	50	3.22	1.183
	Total	102	2.99	1.104
Q9 UFC supportive of Ts	1.00 gender variant	15	4.00	1.000
	2.00 male	36	4.50	.697
	3.00 female	50	4.50	.863
	Total	101	4.43	.841
Q10 Awareness raised	1.00 gender variant	15	4.00	1.000
	2.00 male	34	3.62	1.256
	3.00 female	49	4.12	1.092
	Total	98	3.93	1.151

ANOVA				
		F	Sig.	
Q5 Mission statement affirms	Between Groups	.995	.373	
	Within Groups			
	Total			
Q6 Ts are born that way	Between Groups	.072	.931	
	Within Groups			
	Total			
Q7a % of homeless Ts	Between Groups	2.655	.077	
	Within Groups			
	Total			
Q8 LGBT community supportive of Ts	Between Groups	3.995	.021	
	Within Groups			
	Total			
Q9 UFC supportive of Ts	Between Groups	2.318	.104	
	Within Groups			
	Total			
Q10 Awareness raised	Between Groups	2.005	.140	
	Within Groups			
	Total			

Post Hoc Tests

Multiple Comparisons

LSD

Dependent Variable	(I) gendervariant	(J) gendervariant	Mean	Std. Error	Sig.	95% Confidence Interval
			Difference (I-J)			Lower Bound
Q5 Mission statement affirms	1.00 gender variant	2.00 male	-.278	.281	.325	-.84
		3.00 female	-.027	.270	.921	-.56
	2.00 male	1.00 gender variant	.278	.281	.325	-.28
		3.00 female	.251	.191	.192	-.13
	3.00 female	1.00 gender variant	.027	.270	.921	-.51
		2.00 male	-.251	.191	.192	-.63
Q6 Ts are born that way	1.00 gender variant	2.00 male	-.108	.323	.739	-.75
		3.00 female	-.041	.310	.896	-.66
	2.00 male	1.00 gender variant	.108	.323	.739	-.53
		3.00 female	.067	.223	.765	-.38
	3.00 female	1.00 gender variant	.041	.310	.896	-.57
		2.00 male	-.067	.223	.765	-.51
Q7a % of homeless Ts	1.00 gender variant	2.00 male	9.403	8.274	.260	-7.09
		3.00 female	-2.982	7.760	.702	-18.45
	2.00 male	1.00 gender variant	-9.403	8.274	.260	-25.89
		3.00 female	-12.385 ⁺	5.394	.025	-23.13
	3.00 female	1.00 gender variant	2.982	7.760	.702	-12.48
		2.00 male	12.385 ⁺	5.394	.025	1.63
Q8 LGBT community supportive of Ts	1.00 gender variant	2.00 male	-.613	.328	.065	-1.26
		3.00 female	-.887 ⁺	.316	.006	-1.51
	2.00 male	1.00 gender variant	.613	.328	.065	-.04
		3.00 female	-.274	.233	.241	-.74
	3.00 female	1.00 gender variant	.887 ⁺	.316	.006	.26
		2.00 male	.274	.233	.241	-.19
Q9 UFC supportive of Ts	1.00 gender variant	2.00 male	-.500	.255	.053	-1.01
		3.00 female	-.500 ⁺	.244	.043	-.98
	2.00 male	1.00 gender variant	.500	.255	.053	-.01
		3.00 female	.000	.181	1.000	-.36
	3.00 female	1.00 gender variant	.500 ⁺	.244	.043	.02
		2.00 male	.000	.181	1.000	-.36
Q10 Awareness raised	1.00 gender variant	2.00 male	.382	.353	.282	-.32
		3.00 female	-.122	.336	.716	-.79

2.00 male	1.00 gender variant	-.382	.353	.282	-1.08
	3.00 female	-.505	.254	.050	-1.01
3.00 female	1.00 gender variant	.122	.336	.716	-.54
	2.00 male	.505	.254	.050	.00

* Research Question: within time 1, was there a difference in the continuous variables based on age?

temporary.

select if (time eq 1).

ONEWAY q5 q6 q7a q8 q9 q10 BY q3

/STATISTICS DESCRIPTIVES

/MISSING ANALYSIS

/POSTHOC=LSD ALPHA(0.05).

	From highest to lowest, what is the rank order of scores? Which group ranked the highest, next highest ... to lowest?	Was the effect statistically significant?
Q5	Young, adult, older	No
Q6	Older, adult, young	No
Q7	Adult, older, young	Approaching (.06)
Q8	Adult, older, young	No
Q9	Adult, young, older	Approaching (.10)
Q10	Adult, older, young	No

Oneway

Descriptives		N	Mean	Std. Deviation
Q5 Mission statement affirms	1 Less than 24 years old	5	4.20	.837
	2 25 to 50 years old	45	4.11	1.210
	3 51 years old or older	53	4.00	1.225
	Total	103	4.06	1.195
Q6 Ts are born that way	1 Less than 24 years old	5	3.80	1.095
	2 25 to 50 years old	49	3.94	1.232
	3 51 years old or older	54	4.07	1.079
	Total	108	4.00	1.144
Q7a % of homeless Ts	1 Less than 24 years old	3	41.67	7.638
	2 25 to 50 years old	36	66.58	20.022
	3 51 years old or older	35	56.77	24.860
	Total	74	60.93	22.824
Q8 LGBT community supportive of Ts	1 Less than 24 years old	5	2.80	.837
	2 25 to 50 years old	45	3.20	1.179
	3 51 years old or older	51	2.92	1.129
	Total	101	3.04	1.139
Q9 UFC supportive of Ts	1 Less than 24 years old	5	4.40	.894
	2 25 to 50 years old	44	4.45	.820
	3 51 years old or older	52	4.02	1.129
	Total	101	4.23	1.009
Q10 Awareness raised	1 Less than 24 years old	5	3.60	.894
	2 25 to 50 years old	42	3.64	1.032
	3 51 years old or older	51	3.61	.940
	Total	98	3.62	.969

ANOVA				
		F	Sig.	
Q5 Mission statement affirms	Between Groups	.140	.870	
	Within Groups			
	Total			
Q6 Ts are born that way	Between Groups	.256	.774	
	Within Groups			
	Total			
Q7a % of homeless Ts	Between Groups	2.897	.062	
	Within Groups			
	Total			
Q8 LGBT community supportive of Ts	Between Groups	.827	.440	
	Within Groups			
	Total			
Q9 UFC supportive of Ts	Between Groups	2.358	.100	
	Within Groups			
	Total			
Q10 Awareness raised	Between Groups	.016	.984	
	Within Groups			
	Total			

* Research Question: within time 2, was there a difference in the continuous variables based on age?

temporary.

select if (time eq 2).

ONEWAY q5 q6 q7a q8 q9 q10 BY q3

/STATISTICS DESCRIPTIVES

/MISSING ANALYSIS

/POSTHOC=LSD ALPHA(0.05).

	From highest to lowest, what is the rank order of scores? Which group ranked the highest, next highest ... to lowest?	Was the effect statistically significant?
Q5	Young, adult, older	No
Q6	Young, adult, older	No
Q7	Older, adult, young	No
Q8	Adult, older, young	No
Q9	Young, adult, older	No
Q10	Older, adult, young	Approaching

Oneway

Descriptives		N	Mean	Std. Deviation
Q5 Mission statement affirms	1 Less than 24 years old	4	4.50	.577
	2 25 to 50 years old	51	4.31	.969
	3 51 years old or older	46	4.24	.705
	Total	101	4.29	.841
Q6 Ts are born that way	1 Less than 24 years old	4	5.00	.000
	2 25 to 50 years old	52	4.27	1.012
	3 51 years old or older	48	4.25	1.042
	Total	104	4.29	1.011
Q7a % of homeless Ts	1 Less than 24 years old	1	17.00	.
	2 25 to 50 years old	39	61.49	21.447
	3 51 years old or older	34	62.09	21.353
	Total	74	61.16	21.743
Q8 LGBT community supportive of Ts	1 Less than 24 years old	4	2.00	.816
	2 25 to 50 years old	50	3.10	1.111
	3 51 years old or older	44	2.91	1.053
	Total	98	2.97	1.088
Q9 UFC supportive of Ts	1 Less than 24 years old	4	4.75	.500
	2 25 to 50 years old	48	4.52	.899
	3 51 years old or older	45	4.31	.793
	Total	97	4.43	.840
Q10 Awareness raised	1 Less than 24 years old	4	3.50	1.915
	2 25 to 50 years old	48	3.65	1.229
	3 51 years old or older	42	4.19	.917
	Total	94	3.88	1.153

ANOVA			
		F	Sig.
Q5 Mission statement affirms	Between Groups	.225	.799
	Within Groups		
	Total		
Q6 Ts are born that way	Between Groups	1.035	.359
	Within Groups		
	Total		
Q7a % of homeless Ts	Between Groups	2.165	.122
	Within Groups		
	Total		
Q8 LGBT community supportive of Ts	Between Groups	2.058	.133
	Within Groups		
	Total		
Q9 UFC supportive of Ts	Between Groups	1.020	.364
	Within Groups		
	Total		
Q10 Awareness raised	Between Groups	2.836	.064
	Within Groups		
	Total		

* Research Question: within time 1, was there a difference in the categorical variables based on status? And if yes, was that effect statistically significant?

```
temporary.
select if (time eq 1).
CROSSTABS
  /TABLES= q1 BY q7b q7c q7d
  /STATISTICS=CHISQ
  /CELLS= COUNT ROW COL TOTAL .
```

	Was there a difference across the groups?	Was the difference statistically significant?
Q7b	Yes. While only 36% of clergy felt it was true, 88% of deacons felt it was true.	Yes, .021
Q7c	No, not really.	No, .899
Q7d	Sorta. Clergy (67%) and other (64%) had similar %s thinking it was true; while deacons (90%) and members had similar %s thinking it was true.	No, .261

Crosstabs

Q1 Status * Q7b Medicare doesn't cover injections

Crosstab			Q7b Medicare doesn't cover injections	
			1 True	2 False
Q1 Status	1 Clergy	Count	4	7
		% within Q1 Status	36.4%	63.6%
		% within Q7b Medicare doesn't cover injections	5.9%	26.9%
		% of Total	4.3%	7.4%
	2 Deaconate	Count	8	1
		% within Q1 Status	88.9%	11.1%
		% within Q7b Medicare doesn't cover injections	11.8%	3.8%
		% of Total	8.5%	1.1%
	3 Member	Count	49	14
		% within Q1 Status	77.8%	22.2%
		% within Q7b Medicare doesn't cover injections	72.1%	53.8%
		% of Total	52.1%	14.9%
	4 Other	Count	7	4
		% within Q1 Status	63.6%	36.4%

Total	% within Q7b Medicare doesn't cover injections	10.3%	15.4%
	% of Total	7.4%	4.3%
	Count	68	26
	% within Q1 Status	72.3%	27.7%
	% within Q7b Medicare doesn't cover injections	100.0%	100.0%
	% of Total	72.3%	27.7%

Crosstab

			Total
Q1 Status	1 Clergy	Count	11
		% within Q1 Status	100.0%
		% within Q7b Medicare doesn't cover injections	11.7%
		% of Total	11.7%
	2 Deaconate	Count	9
		% within Q1 Status	100.0%
		% within Q7b Medicare doesn't cover injections	9.6%
		% of Total	9.6%
	3 Member	Count	63
		% within Q1 Status	100.0%
		% within Q7b Medicare doesn't cover injections	67.0%
		% of Total	67.0%
Total	4 Other	Count	11
		% within Q1 Status	100.0%
		% within Q7b Medicare doesn't cover injections	11.7%
		% of Total	11.7%
		Count	94
		% within Q1 Status	100.0%
		% within Q7b Medicare doesn't cover injections	100.0%
		% of Total	100.0%

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	9.695 ^a	3	.021
Likelihood Ratio	9.002	3	.029
Linear-by-Linear Association	2.475	1	.116
N of Valid Cases	94		

Q1 Status * Q7c Ts allowed to marry

Crosstab

			Q7c Ts allowed to marry		Total
			1 True	2 False	
Q1 Status	1 Clergy	Count	6	5	11
		% within Q1 Status	54.5%	45.5%	100.0%
		% within Q7c Ts allowed to marry	12.5%	10.6%	11.6%
		% of Total	6.3%	5.3%	11.6%
	2 Deaconate	Count	4	6	10
		% within Q1 Status	40.0%	60.0%	100.0%
		% within Q7c Ts allowed to marry	8.3%	12.8%	10.5%
		% of Total	4.2%	6.3%	10.5%
	3 Member	Count	32	31	63
		% within Q1 Status	50.8%	49.2%	100.0%
		% within Q7c Ts allowed to marry	66.7%	66.0%	66.3%
		% of Total	33.7%	32.6%	66.3%
	4 Other	Count	6	5	11
		% within Q1 Status	54.5%	45.5%	100.0%
		% within Q7c Ts allowed to marry	12.5%	10.6%	11.6%
		% of Total	6.3%	5.3%	11.6%
Total	Count		48	47	95
	% within Q1 Status		50.5%	49.5%	100.0%
	% within Q7c Ts allowed to marry		100.0%	100.0%	100.0%
	% of Total		50.5%	49.5%	100.0%

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	.587 ^a	3	.899
Likelihood Ratio	.590	3	.899
Linear-by-Linear Association	.024	1	.876
N of Valid Cases	95		

Q1 Status * Q7d Hate crimes can be committed

Crosstab

			Q7d Hate crimes can be committed	
			1 True	2 False
Q1 Status	1 Clergy	Count	8	4
		% within Q1 Status	66.7%	33.3%
		% within Q7d Hate crimes can be committed	10.4%	20.0%
		% of Total	8.2%	4.1%
	2 Deaconate	Count	9	1
		% within Q1 Status	90.0%	10.0%
		% within Q7d Hate crimes can be committed	11.7%	5.0%
		% of Total	9.3%	1.0%
	3 Member	Count	53	11
		% within Q1 Status	82.8%	17.2%
		% within Q7d Hate crimes can be committed	68.8%	55.0%
		% of Total	54.6%	11.3%
Total	4 Other	Count	7	4
		% within Q1 Status	63.6%	36.4%
		% within Q7d Hate crimes can be committed	9.1%	20.0%
		% of Total	7.2%	4.1%
Total		Count	77	20
		% within Q1 Status	79.4%	20.6%
		% within Q7d Hate crimes can be committed	100.0%	100.0%
		% of Total	79.4%	20.6%

Crosstab			
			Total
Q1 Status	1 Clergy	Count	12
		% within Q1 Status	100.0%
		% within Q7d Hate crimes can be committed	12.4%
		% of Total	12.4%
	2 Deaconate	Count	10
		% within Q1 Status	100.0%
		% within Q7d Hate crimes can be committed	10.3%
		% of Total	10.3%
	3 Member	Count	64
		% within Q1 Status	100.0%
		% within Q7d Hate crimes can be committed	66.0%
		% of Total	66.0%
	4 Other	Count	11
		% within Q1 Status	100.0%
		% within Q7d Hate crimes can be committed	11.3%
		% of Total	11.3%
Total	Count		97
	% within Q1 Status		100.0%
	% within Q7d Hate crimes can be committed		100.0%
	% of Total		100.0%

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	4.001 ^a	3	.261
Likelihood Ratio	3.788	3	.285
Linear-by-Linear Association	.006	1	.937
N of Valid Cases	97		

* Research Question: within time 2, was there a difference in the categorical variables based on status? And if yes, was that effect statistically significant?

```
temporary.
select if (time eq 2).
CROSSTABS
  /TABLES= q1 BY q7b q7c q7d
  /STATISTICS=CHISQ
  /CELLS= COUNT ROW COL TOTAL .
```

	Was there a difference across the groups?	Was the difference statistically significant?
Q7b	No, not really.	No, .788
Q7c	No, not really.	No, .874
Q7d	No.	No, .363

Crosstabs

Q1 Status * Q7b Medicare doesn't cover injections

Crosstab			Q7b Medicare doesn't cover injections	
			1 True	2 False
Q1 Status	1 Clergy	Count	5	5
		% within Q1 Status	50.0%	50.0%
		% within Q7b Medicare doesn't cover injections	9.4%	12.2%
		% of Total	5.3%	5.3%
	2 Deaconate	Count	2	2
		% within Q1 Status	50.0%	50.0%
		% within Q7b Medicare doesn't cover injections	3.8%	4.9%
		% of Total	2.1%	2.1%
	3 Member	Count	34	22
		% within Q1 Status	60.7%	39.3%
		% within Q7b Medicare doesn't cover injections	64.2%	53.7%
		% of Total	36.2%	23.4%
	4 Other	Count	12	12
		% within Q1 Status	50.0%	50.0%
		% within Q7b Medicare doesn't cover injections	22.6%	29.3%
		% of Total	12.8%	12.8%
Total	Count	53	41	

% within Q1 Status	56.4%	43.6%
% within Q7b Medicare doesn't cover injections	100.0%	100.0%
% of Total	56.4%	43.6%

Crosstab

			Total
Q1 Status	1 Clergy	Count	10
		% within Q1 Status	100.0%
		% within Q7b Medicare doesn't cover injections	10.6%
		% of Total	10.6%
	2 Deaconate	Count	4
		% within Q1 Status	100.0%
		% within Q7b Medicare doesn't cover injections	4.3%
		% of Total	4.3%
	3 Member	Count	56
		% within Q1 Status	100.0%
		% within Q7b Medicare doesn't cover injections	59.6%
		% of Total	59.6%
	4 Other	Count	24
		% within Q1 Status	100.0%
		% within Q7b Medicare doesn't cover injections	25.5%
		% of Total	25.5%
Total		Count	94
		% within Q1 Status	100.0%
		% within Q7b Medicare doesn't cover injections	100.0%
		% of Total	100.0%

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	1.057 ^a	3	.788
Likelihood Ratio	1.055	3	.788
Linear-by-Linear Association	.000	1	1.000
N of Valid Cases	94		

Q1 Status * Q7c Ts allowed to marry

Crosstab			Q7c Ts allowed to marry		Total
			1 True	2 False	
Q1 Status	1 Clergy	Count	7	3	10
		% within Q1 Status	70.0%	30.0%	100.0%
		% within Q7c Ts allowed to marry	10.3%	12.5%	10.9%
		% of Total	7.6%	3.3%	10.9%
	2 Deaconate	Count	3	1	4
		% within Q1 Status	75.0%	25.0%	100.0%
		% within Q7c Ts allowed to marry	4.4%	4.2%	4.3%
		% of Total	3.3%	1.1%	4.3%
	3 Member	Count	43	13	56
		% within Q1 Status	76.8%	23.2%	100.0%
		% within Q7c Ts allowed to marry	63.2%	54.2%	60.9%
		% of Total	46.7%	14.1%	60.9%
Total	4 Other	Count	15	7	22
		% within Q1 Status	68.2%	31.8%	100.0%
		% within Q7c Ts allowed to marry	22.1%	29.2%	23.9%
		% of Total	16.3%	7.6%	23.9%
	Total	Count	68	24	92
		% within Q1 Status	73.9%	26.1%	100.0%
		% within Q7c Ts allowed to marry	100.0%	100.0%	100.0%
		% of Total	73.9%	26.1%	100.0%

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	.696 ^a	3	.874
Likelihood Ratio	.684	3	.877
Linear-by-Linear Association	.021	1	.884
N of Valid Cases	92		

a. 3 cells (37.5%) have expected count less than 5. The minimum expected count is 1.04.

Q1 Status * Q7d Hate crimes can be committed

Crosstab

			Q7d Hate crimes can be committed		
			1 True	2 False	3
Q1 Status	1 Clergy	Count	5	5	0
		% within Q1 Status	50.0%	50.0%	0.0%
		% within Q7d Hate crimes can be committed	6.8%	23.8%	0.0%
		% of Total	5.2%	5.2%	0.0%
	2 Deaconate	Count	4	1	0
		% within Q1 Status	80.0%	20.0%	0.0%
		% within Q7d Hate crimes can be committed	5.4%	4.8%	0.0%
		% of Total	4.2%	1.0%	0.0%
	3 Member	Count	47	9	1
		% within Q1 Status	82.5%	15.8%	1.8%
		% within Q7d Hate crimes can be committed	63.5%	42.9%	100.0%
		% of Total	49.0%	9.4%	1.0%
	4 Other	Count	18	6	0
		% within Q1 Status	75.0%	25.0%	0.0%
		% within Q7d Hate crimes can be committed	24.3%	28.6%	0.0%
		% of Total	18.8%	6.2%	0.0%
Total		Count	74	21	1
		% within Q1 Status	77.1%	21.9%	1.0%
		% within Q7d Hate crimes can be committed	100.0%	100.0%	100.0%
		% of Total	77.1%	21.9%	1.0%

Crosstab			
			Total
Q1 Status	1 Clergy	Count	10
		% within Q1 Status	100.0%
		% within Q7d Hate crimes can be committed	10.4%
		% of Total	10.4%
	2 Deaconate	Count	5
		% within Q1 Status	100.0%
		% within Q7d Hate crimes can be committed	5.2%
		% of Total	5.2%
	3 Member	Count	57
		% within Q1 Status	100.0%
		% within Q7d Hate crimes can be committed	59.4%
		% of Total	59.4%
	4 Other	Count	24
		% within Q1 Status	100.0%
		% within Q7d Hate crimes can be committed	25.0%
		% of Total	25.0%
Total	Count	96	
	% within Q1 Status	100.0%	
	% within Q7d Hate crimes can be committed	100.0%	
	% of Total	100.0%	

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	6.565 ^a	6	.363
Likelihood Ratio	6.180	6	.403
Linear-by-Linear Association	1.601	1	.206
N of Valid Cases	96		

APPENDIX O

QUERIES

Queries for Trans Inclusion

Support from within the walls of the faith community

- **Move Beyond Inclusion to Celebration**
 - Can adult and youth leaders talk to children and youth about gender identity and expression?
 - Help them sift through conflicting/confusing messages
 - Openness & guidance can prevent prejudice & stereotyping and cultivate acceptance
 - How open are leaders in faith communities to educating themselves about issues pertinent to the Trans/GNC communities?
 - Attend gatherings where trans issues (in faith communities) are the focus
 - Support Trans leadership in the church
 - Avail themselves of print/online resources
 - Are you affirming of gender diversity in how you worship, gather in/for ministry and do outreach?
 - Invite self-identified women and self-identified men to gender-based ministries
 - Find music that does not focus on the binary
 - Use "high voices" and "low voices" in the choir loft
- **Pave the Way for Spiritual Transformation**
 - Are we taking care of ourselves as changemakers and seeking guidance as we engage in self care?
 - Do people within the gathering spaces find as much value in the questions as they do in the answers?
 - When kids point out differences and are told to be quiet, they learn that certain things can't be talked about
 - Do rituals and community-wide gatherings celebrate gender confirmation and name changes in the same ways they celebrate opposite-sex relationships and baptism?

Support outside the walls of the faith community

- **Build Community**
 - Are we willing to meet people where they are, not where we want them to be?
 - Are we supportive of spaces where Trans/GNC people can gather for deepening connections and support?
 - Do we invest in establishing new relationships with local organizations and other local churches whose doors are already opened wider?
- **Support social action**



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- To what extent does your community of faith publicly share its vision for a world without violence of every kind?
 - Speaking out as firmly against violence at home, school, work and church toward Trans/GNC folks as we do against violence elsewhere
- Are we willing to go to bat for Trans/GNC folks who experience mistreatment in schools, workplaces, or other communities of faith?
 - Going with a genderqueer youth and their parent to a high school meeting (attended by faculty & staff) about bullying

Developed by Mykal Slack



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APPENDIX P
RELIGIOUS SOCIETY OF FRIENDS

About Quakerism

“Quakerism”, a shorthand term for the faith and practice of the Religious Society of Friends, is a way of worshipping and serving God.

Friends believe that God is a living Spirit with a will that can be known through silent worship, expectant waiting, and corporate discernment. All people everywhere – regardless of their religious belief or doubts, their cultural backgrounds, their race, age, or gender – have access to and Inward Light: the Light that, according to the Gospel of John, “enlightens everyone who comes into the world.” We believe that all who are willing to receive this Light will be guided into what the Psalmist David called “paths of righteousness”: love, justice, peace, and care for the natural world.

We find it vital to worship together in gathered Meetings. This we do by assembling in silence and waiting for the moving of God’s Spirit, which sometimes leads one or another to speak or sing or pray.

We also try to keep our individual lives in harmony with our faith, and to encourage each other in doing so. At times this means going against the grain of the surrounding culture: embracing simplicity instead of consumerism, peace instead of militarism, inclusion and dialogue rather than exclusion and discrimination.

We welcome any who may want to worship with us.

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Welcome to Meeting for Worship at Fifteenth Street Friends' Meeting

If this is the first time you are joining us—or even if it is not—you may be interested in the following questions and answers about Quaker worship as it is practiced here.

Q: Who or what do Quakers worship?

A: Quakers worship God: the same God who is recognized by Christianity, Judaism, and Islam and worshipped by billions of people throughout the world. Quakers believe that God is a living Spirit who can be known and worshipped by anyone.

Q: What sacraments, forms, or rituals do Quakers use in their worship?

A: There are different kinds of worship services at different Quaker Meetings. The kind we practice at Fifteenth Street Meeting is called “unprogrammed worship” or “waiting worship.” Its premise is that God’s own Spirit will guide us in how best to give God the worship God is due. Therefore we do not plan any ceremonies or rituals or prepare any hymns, sermons, readings, or prayers of our own devising. We come together in silence and wait for the moving of the Holy Spirit.

Q: What do the worshippers actually do?

A: We try to quiet our minds, open our hearts, and listen to the Spirit. There is no prescribed way to do this. The key is an attitude of expectant waiting and a willingness to obey whatever inner promptings God may inspire. We are also alert to hear the messages that may come to us from God through our fellow worshippers.

Q: Is there a minister or priest in the Meeting for Worship?

A: Potentially, all are ministers. Vocal ministry occurs during unprogrammed worship when someone present feels deeply moved by God to offer a message to the assembled Friends. The words of the message may be words of praise, thanksgiving, comfort, reassurance, moral challenge, or spiritual insight.

Q: What is the difference between “vocal ministry” and other kinds of speaking?

A: Speaking that does not come from a sense of leading by God is not ministry. Discussion and debate are not ministry. Friends do not “answer” each other’s messages during worship. There is no strict limit on the length of messages, but usually “less is more.” It is easy to “outrun the Guide” (the leading of the Spirit) when giving lengthy messages.

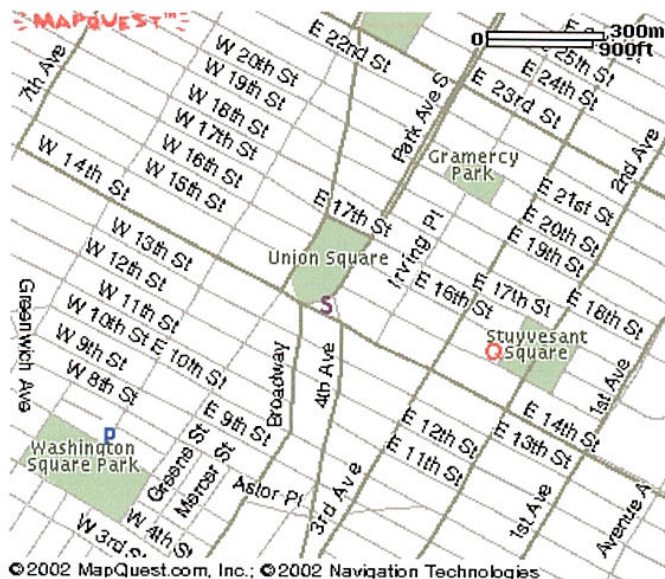
A period of silence between messages offers the needed space for reflecting on what has been said and for continuing to wait on the Spirit. Therefore those who speak in meeting should be careful to respect the silence and not to speak too quickly after someone else has spoken.

Prepared by the Ministry and Worship Committee
April 2004

The MeetingHouse of the 15th Street Monthly Meeting of the Religious Society of Friends(Quakers) is located at:

15 Rutherford Place, New York, NY 10003

- Rutherford Place, the western boundary of Stuyvesant Square, runs between 2nd & 3rd Avenues from E 15 Street to E 17 Street. The main entrance to the MeetingHouse is on Rutherford Place near E 15 Street. This building complex also houses the New York Metropolitan Regional Office of the AFSC, Youth Services Opportunities Project(YSOP) and the Friends Seminary. *See below for directions.*



LEGEND to Annotations:

Q = Quaker Meeting House

S = Subway Station at 14 Street-Union Square

P = Peace Vigil location at Washington Arch

(Street map is courtesy of www.mapquest.com)

Directions:



By subway: Take a 4,5,6, L,N,Q,R, or W train to 14 Street–Union Square and walk 3 blocks east and 1 block uptown. There is also a closer subway station at 3 Avenue (on 14 Street) which is served only by the line L. (See map on left courtesy of *MTA*TM).

By bus: Take an up/downtown bus to 16th or 14th Street OR a 23rd or 14th Street crosstown bus to Third Avenue.

By car: From the West Side Highway, exit at 14th Street and go east. From the FDR southbound, exit at 15th Street and go west. There is no 15th Street exit on the northbound FDR. Exit at Houston and go up First Avenue to 15th Street. Metered on-street parking is available. Parking garages can be found on 15th and 18th Streets.

Calendar of Meetings & Events of the Fifteenth Street Friends:

(This page only lists the regularly scheduled meetings & events. For a full description of special events for the current month, please see the monthly Newsletter)

Event Planners: Please also check the calendars of [Friends Seminary](#) & [NYYM](#)

For latest Community Information, visit our online [Bulletin Board](#)

REGULAR MEETINGS		
Every Sunday (called FirstDay by Quakers)	9:30 am	Meeting for Worship, <i>Meetingroom</i>
	10:30 am	Social Hour, <i>Common Room</i>
	11 am	Meeting for Worship, <i>Meetingroom</i>
	12 noon	Social Hour, <i>Common Room</i>
Third Monday of every month -	7 pm	Meeting for Spiritual Healing <i>Room 1. Contact John Edminster for further details.</i>
Every Friday	7-9 pm	Meeting for Worship in the Name of Jesus <i>15th St Meeting Office. More Info: Ministry & Worship Committee.</i>
First Sunday of every month -	1-2 pm	Silent Vigil for Peace and Non-Violence <i>Washington Square Arch, beginning of 5th Avenue(at 6th Street)</i>
Second Sunday of every month -	11 am	Bible Discussion Group - now reading "Gospel of Luke". <i>Room 1. Everyone welcome; no preparation needed. For more info contact Sabrina Jones</i>
	1 pm	Meeting for Worship with a Concern for Business <i>Meetingroom.</i>
Third Sunday of every month -	1-3 pm	Ministry & Worship Committee Program <i>Time is made available for ongoing consideration of the Queries. Child care provided. Meetingroom. For more info contact Rich Accetta-Evans.</i>

Visit New page -> [First Day \(Sunday\) School](#) : Sundays at 11:00 a.m
(Ask the greeter for directions to classrooms; Ages 4+ join worship at 11:45).

Child Care is also available during the Sunday Meetings for Worship.

A Social Hour follows the Meetings for Worship each Sunday.

COMMITTEE MEETINGS		
Second Wednesday of every month -	7 pm	Arts Committee <i>All are welcome. Regular monthly meeting except in July. For location & info: Visit Arts Committee website or call 201-888-4602</i>
Fourth Sunday of every month	12:30 pm	Religious Education Committee <i>At the rise of 11AM Meeting - in Classroom 10. For Info: Ann Kjellberg</i>
Last Sunday of every month -	12:30-2:00 pm	Peace Committee <i>Room 1. All are welcome.</i>
Sunday, 8/22/2010 -	1:00 pm	Ad Hoc Committee on Concern for Race and Racism <i>Inaugural meeting. Location TBD (somewhere in the Meetinghouse). All are welcome. Friends having questions beforehand are invited to contact John Edminster, the Convener.</i>

OTHER EVENTS

Sunday TBA	6:00-9:00 pm	Men's Group <i>A monthly informal gathering for Potluck & Worship-sharing. Hosted by Tony Shitemi. Info: John Maynard / Tony Shitemi / Charles Brainard / Sam Oast / Jimmy Gowens.</i>
First & Third Sundays	9:30 am	Manhattan Monthly Meeting of the RSoF <i>Programmed meeting for Worship, Room 1</i>
Thursdays June-September	6:00-7:00 pm	Downtown Manhattan Outdoor Meeting <i>Labyrinth footpath in the NorthWest corner of Battery Park Info/Directions: http://www.downtownmeeting.org/</i>
Third Thursdays	8:00 pm	West Queens Worship Group <i>Friends gather once a month, usually on third Thursdays, at 8:00 P.M., in homes of members in west Queens, NYC. Info: John Edminster</i>



Silent Vigil for Peace:

First Sunday of each month: 1-2 PM
at Washington Square Arch

If you landed here without going through the *Home Page*, please visit the "[Frames version](#)" or the "[non-Frames version](#)" of it, as desi

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